

WRS  
GTL

US EPA RECORDS CENTER REGION 5



523339

**From:** Jeffrey Fischer  
**To:** Janna Sebald  
**Date:** 5/1/02 9:33AM  
**Subject:** Fwd: Re: Draft Letter of Warning to WRS

Regulated storm water is covered under 40 CFR part 122.26 (b)(14). Based on what I know of the current operation at WRS, the SIC codes that apply to the facility are 0723, 2033 & 2035. The latter two of these are regulated industrial classifications for storm water. I am not sure why we did not include storm water coverage in the permit issued in 2000. I recall discussing this matter in detail with Dave Drullinger to see if we had any regulatory authority to include a SWPPP in the facility permit. I think it was because, at the time, they were not considered to have any significant exposure issues. I will talk with Dave some more to see what we can do at this point.

>>> Janna Sebald 05/01/02 09:01AM >>>

do you know the stormwater regs that would require WRS to get a stormwater permit?

WRS  
GT Co

**From:** Tammy Blaszk  
**To:** Janice Heuer; Sy Vongphasouk Paulik  
**Date:** 5/16/02 11:38AM  
**Subject:** Phone Message Regarding WRS

I took a call today at 11:35 a.m. from an anonymous caller that had a complaint about Hubbel cherry spray on the ground. Said ground is saturated with the spray and is also on the road. He thought they were required to stop spraying on April 30 and only trickle irrigate.

He wanted someone to check it out. Woudln't leave his name, but says he has to drive by the site. He tried calling all of your extensions but got no one.

Tammy Blaszk, Secretary  
DEQ-WMD, Cadillac District  
231-775-3960, Extension 6702

**CC:** Philip Roycraft



**Sy Vongphasouk Paulik - Williamsburg Receiving and Storage**

---

**From:** Andy Smits <ajsmits@voyager.net>  
**To:** Janice Heuer <HEUERJ@michigan.gov>  
**Date:** 6/5/2002 12:04 PM  
**Subject:** Williamsburg Receiving and Storage  
**CC:** Joe Quandt <jequandt@zimmerman-kuhn.com>, Tom Egan

---

Good Morning Janice:

I was contacted by Mr. Quandt yesterday afternoon... I'm glad you were able to get in touch with him following our call. He asked me to endeavor to accelerate the Rule 2227 reporting due on June 14th. You may recall the initial R2227 notice of permit limit exceedance was filed at the same time as the CMR for Q1-02. I was going to include a comprehensive follow-up on the 14th and will now endeavor to produce this sooner. This submittal will include those report elements required in conjunction with the Q1-02 report and will also include a work plan, rationale and schedule for engineering work needed to address matters raised in the May 6th joint WMD-SWQD letter.

The work plan will be focussed on both short and long term objectives, but as stated in the teleconference we joined- there is a looming water production issue related to 2002 harvest coming up that requires resolution since there is no longer a NPDES option. This is important even in the context of all other high priority engineering challenges.

Mr. Quandt mentioned that he is leaving for vacation Friday. My goal is to produce this work plan before he departs. I look forward to reviewing this with you.

Respectfully,  
Andy Smits

--  
**Confidentiality Notice-**

This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication, or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.

Sender Name: Andrew Smits - Inland Seas Engineering, Inc.  
Sender Address: PO Box 6820, Traverse City, Michigan 49696-6820  
Sender Telephone: 231-933-4041  
Sender Fax: 231-933-4393

**From:** Janice Heuer  
**To:** Frank Ruswick; JoAnn Merrick; Lonnie Lee; Philip Roycraft; Rick Rusz  
**Date:** 6/26/02 1:45PM  
**Subject:** Williamsburg Receiving and Storage (WRS) Consent Order

~~WRS~~  
Williamsburg rec  
G.T. Co

Hi. Would you all be available to discuss this site some time Thursday after 10:00 in a conference call? There are some new violations discovered June 25.

To fill some of you in, a draft consent order has been under negotiation for SWQD and WMD violations. The facility had been issued a permit in 2001 for discharge of water from a cherry pitting process. The water was supposed to be fairly clean, and the facility received a variance from the hydro geological investigation requirement. An irrigation management plan was submitted for the facility, but the review was based on hydraulic loading. Almost no nutrients were expected and only a small amount of BOD. WRS constructed a holding lagoon for irrigation water.

Yesterday we found out that the facility is not just pitting cherries, but as of January 2002 they have been "finishing" cherries. This involves soaking brined cherries and adding sugars and flavoring. The water from this process is high in nutrients, BOD, brine salts, sulfate (smells!) and new cleaners. WRS has discharged from the lagoon some of this high strength waste in violation of permit limits. Also, the lagoon is now filling with very smelly water. They propose to dilute the water to the standards of their existing permit and call it good with a permit modification.

During yesterday's meeting I informed the facility that their current permit review was based on a completely different process, and the wastewater now in the lagoon would be an unpermitted discharge when released. I think they'd need a new IMP for nutrient loading, a tox review for cleaners, recharacterization of the waste and would probably need a hydro and groundwater monitoring. Their lagoon is also not constructed for such waste and would need composite liner and aeration.

Frank suggested we discuss withdrawal of the order and possibly a TRO. Any ideas? Thanks!

Janice Heuer  
Environmental Engineer  
Waste Management Division  
Cadillac District office  
231-775-3960 ext. 6203



*Williamsburg  
Receiving*

**From:** Janice Heuer  
**To:** Lonnie Lee, Robert Deatrick, Scott Ross  
**Date:** 8/16/01 9:23AM  
**Subject:** Re: Williamsburg Receiving

Sorry for the blank the first time around. I wanted to correct one thing. Scott, this permit isn't for diluted brine (like the old one was). It is for pitting water that has some BOD and some small brine residual. The concentrated brines are hauled off with the pitted cherries.

We do have a number of compliance issues at the site, however. There were lots of odor complaints this spring due to the lagoon that wasn't discharged because they didn't have a gw permit. Then there are ongoing illegal discharges to surface water of spilled brines and back flow from the lagoon that is supposed to be a groundwater discharge. They have other brine spills and land and water issues (filling of wetland). We're talking about getting them into a multi-divisional meeting to deal with all of the problems.

The addition of 80 acres would help with the current discharge because of the lower application rate. The down side is that they probably will be back at your door a year from now with an expansion plan for an increased discharge rate. They want to get real big, but they don't have a very good long term plan in place. We might have to look again at the need for a hydro (they currently have a variance) if they end up real big.

Janice Heuer  
Waste Management Division  
Cadillac District Office  
231-775-3960 ext. 6203

>>> Scott Ross 08/16 7:38 AM >>>

It might not be quite that simple. There has been local controversy regarding this facility each time the permit has come up. At one time this was Gray and Company. Basically they are diluting brine and irrigating (they place cherries in brine to make maraschino cherries). Prior to obtaining a permit Gray and Company used to haul wastewater to the Hart WWTP. As I recall there is not much nutrient in the wastewater. The additional acreage can only improve on what has already been permitted. Some of the issues raised in the past dealt with surface water.

>>> Lonnie Lee 08/15/01 05:08PM >>>

Eric from Williamsburg Receiving, CAD district, called today and inquired about what they would need to do to add about 80 acres of land to their wastewater management distribution system. Apparently they have purchased or are looking to purchase the land to the north of them. They want to purchase the land so that will have more land for rotating their irrigation.

Since I am not familiar with their file, whether they have a GW monitoring system or not (don't think they do) so I thought I'd look into the issue further before giving him an answer.

Please give this some thought and provide me with your input. I thinking that they may need to submit soil reports and perhaps amend their IMP and request a permit modification. Should be fairly simple and straight forward.

Thank You

Lonnie C. Lee, Chief  
Groundwater Program Section  
Waste Management Division  
517-373-4735

**CC:** Douglas Thompson, James Janiczek, Philip Roycraft, Thomas Weston

WKS  
GT Co.

**From:** "Brian Smith" <Brian@cherryblossomllc.com>  
**To:** "Sy Paulik" <pauliks@michigan.gov>  
**Date:** 4/16/04 10:13AM  
**Subject:** Re: NPDES - surface water discharge permit

Sy,

Good Morning. Please accept this as a "follow up" to our phone conversation from 4-15-04 at approximately 11:50 am.

As discussed, Cherry Blossom shall not be renewing our Surface Water Discharge Permit (MI0044741) effective 4-15-04. This permit is not applicable to our process as of this date due to the following two reasons. First, the piping system for this effluent discharge has been removed from our process and out of commission for approximately 2 years. Second, Cherry Blossom is no longer granted an easement for discharge onto this geographic location. Our formal letter of termination shall be sent out to the Cadillac office on Friday 4-16-04.

Also, another matter we discussed was the containment lagoon for storm water run off. Chris Hubbell explained that the lagoon was extremely high due to the snow melt and that the lagoon was not "percolating" as well as expected. Cherry Blossom's decision and proposal to solve this situation was to pump the excessive water amount from this lagoon onto another controlled area of property in order to aid water removal from this lagoon (which you agreed that it was a acceptable decision as long as it remained on our property). We have began pumping on 4-15-04 and are continuing on 4-16-04.

Thank You,  
Brian Smith

----- Original Message -----

**From:** "Sy Paulik" <pauliks@michigan.gov>  
**To:** <Brian@cherryblossomllc.com>  
**Sent:** Wednesday, April 14, 2004 1:37 PM  
**Subject:** Re: NPDES - surface water discharge permit

> Brian, I will be out at two. I'll be in tomorrow morning.  
>  
> Sy Paulik  
> Water Division- Cadillac  
> 231-775-3960 x 6267  
> 231-775-1511 fax  
> pauliks@michigan.gov  
>  
> >>> "Brian Smith" <Brian@cherryblossomllc.com> 04/14/04 11:57AM >>>  
> Sy,  
> Chris and I will be calling you this afternoon for final decision.  
> Brian Smith  
>  
>  
>  
> ----- Original Message -----



> From: "Sy Paulik" <pauliks@michigan.gov>  
> To: <brian@cherryblossomllc.com>; <chris@cherryblossomllc.com>  
> Sent: Tuesday, April 13, 2004 2:40 PM  
> Subject: NPDES - surface water discharge permit  
>  
>  
>> Your reapplication for the discharge to the swamp was due April 1,  
> 2004.  
>> Your permit requires that you submit by April 1, this is now a  
>> violation of your permit condition. If you do not intend to  
> discharge  
>> to the wetland please provide this office with a letter requesting  
>> termination. If you plan on reapplying please do so as soon as  
>> possible. You will only delay the issuance of a new permit with  
> this  
>> delay.  
>>  
>> Would it be possible for you to let me know one way or the other.  
> Our  
>> permit section is working on these right now and want to get them out  
> in  
>> a timely manner.  
>>  
>> Sy Paulik  
>> Water Division- Cadillac  
>> 231-775-3960 x 6267  
>> 231-775-1511 fax  
>> pauliks@michigan.gov  
>>  
>

CC: "Chris Hubbell" <chris@cherryblossomllc.com>



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

WRS  
CT Co.

WATER COMPLAINT FORM

Date Received: 4/16/04

Received by: Sy Paulik

PEAS Number: \_\_\_\_\_

N.A. ( )

Complainant: Name: Dola

Anonymous ( )

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: Home \_\_\_\_\_

Work \_\_\_\_\_

Complainee: Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: Home \_\_\_\_\_

Work \_\_\_\_\_

Water involved: \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Nature of Complaint: Odors' lingering between the north side

& Brad Boals house. The call came to Al Lehart. He  
forwarded the call to me. The call came in  
Thursday evening @ sometime after 9:00pm.

\_\_\_\_\_

\_\_\_\_\_

Action Taken: Spoke w/ Al (AQB) he was on site Thurs 4/15.

definite odors.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WRS  
GT Co.

**From:** Sy Paulik  
**To:** Andy Smits  
**Date:** 11/30/2005 9:51:18 AM  
**Subject:** RE:

Hi Andy, I didn't get anything yesterday. Do you have a time when I should expect the information?

>>> "Andy Smits" <ajs@inlandseaseng.com> 11/28/2005 3:49 PM >>>

Thanks Sy...

We'll put this together and should have it for your review tomorrow

-----Original Message-----

**From:** Sy Paulik [mailto:Pauliks@michigan.gov]  
**Sent:** Monday, November 28, 2005 3:05 PM  
**To:** Andy Smits  
**Subject:** Re:

Andy,

Thanks for the update on what you and your team have been doing. In order for us to be on the same page it would be helpful your you to submit a map of the area, the samples collected, collection wells, any other wells you put in. You can either include one map or multiple maps if your team hasn't put everything together. You can send the sample results later.

>>> "Andy Smits" <ajs@inlandseaseng.com> 11/23/2005 4:52 PM >>>

Sy-Sorry I did not call back on Tuesday as I said\* I was pretty wrapped up in getting staff and equipment deployed to perform some assessment of the pond water spill. Tuesday we mapped out the alignment of the spill and did a little surveying to establish actual ground elevations so as to support where (AND WHERE NOT) the pond water located itself by gravity. We also used a conductivity/DO/Temp/pH meter (meter) to measure surface and groundwater paramteters. From this data, we assembled maps and debriefed technicians and compiled notes and readings. Today, we integrated Tuesday's data and mobilized to perform a second round of screening, this time acquiring soil and water samples (biased toward detection and nondetection) for laboratory analyses for chloride (conservative, non-reactive indicator). We sampled the area at the most distal end where Chris recovered 300 gallons and in this area we scoured the vicinity for culverts and drains to ensure that there were no apparent migration pathways where the ponded spill material accumulated. We also sampled water in the on-site storm water ponds and some soil in the area where it was obvious the pond water had eroded soil as it flowed downhill by gravity. We expect to get the samples in to the lab on Friday with a rush turnaround. I tried to call you at 4:30 but there was no answer\* when I bounced out of your voice mail to talk to a human (to see if you had left the building) I got another recording\*.figuring all were gone for the holiday, I decided to write. Please call if you have any questions\* I'll be in on Friday from about noon until 2:00 PM Andrew Smits, P.E.Environmental EngineeringDepartment Manager Learn more about us at our website: [www.inlandseaseng.com](http://www.inlandseaseng.com)Thanks ! INLAND SEAS ENGINEERING, INC.1755 Barlow St. (parcel post)P.O. Box 6820 (regular mail)Traverse City, MI 49696-6820 Voice: 231.933.4041Facsimile: 231.933.4393 CONFIDENTIALITY NOTICE:This electronic mail transmission & any documents accompanying it contain confidential or privileged

information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.

**CC:**           chris@cherryblossomllc.com; Diane Lundin; Joe Quandt



WRS  
GT 6.

**From:** "Andy Smits" <ajs@inlandseaseng.com>  
**To:** "Sy Paulik" <Pauliks@michigan.gov>  
**Date:** 11/28/2005 3:50:13 PM  
**Subject:** RE:

Thanks Sy...  
We'll put this together and should have it for your review tomorrow

-----Original Message-----

**From:** Sy Paulik [mailto:Pauliks@michigan.gov]  
**Sent:** Monday, November 28, 2005 3:05 PM  
**To:** Andy Smits  
**Subject:** Re:

Andy,  
Thanks for the update on what you and your team have been doing. In order for us to be on the same page it would be helpful your you to submit a map of the area, the samples collected, collection wells, any other wells you put in. You can either include one map or multiple maps if your team hasn't put everything together. You can send the sample results later.

>>> "Andy Smits" <ajs@inlandseaseng.com> 11/23/2005 4:52 PM >>>  
Sy-Sorry I did not call back on Tuesday as I said\* I was pretty wrapped up in getting staff and equipment deployed to perform some assessment of the pond water spill. Tuesday we mapped out the alignment of the spill and did a little surveying to establish actual ground elevations so as to support where (AND WHERE NOT) the pond water located itself by gravity. We also used a conductivity/DO/Temp/pH meter (meter) to measure surface and groundwater paramteters. From this data, we assembled maps and debriefed technicians and complied notes and readings. Today, we integrated Tuesday's data and mobilized to perform a second round of screening, this time acquiring soil and water samples (biased toward detection and nondetection) for laboratory analyses for chloride (conservative, non-reactive indicator). We sampled the area at the most distal end where Chris recovered 300 gallons and in this area we scoured the vicinity for culverts and drains to ensure that there were no apparent migration pathways where the ponded spill material accumulated. We also sampled water in the on-site storm water ponds and some soil in the area where it was obvious the pond water had eroded soil as it flowed downhill by gravity. We expect to get the samples in to the lab on Friday with a rush turnaround. I tried to call you at 4:30 but there was no answer\* when I bounced out of your voice mail to talk to a human (to see if you had left the building) I got another recording\*.figuring all were gone for the holiday, I decided to write. Please call if you have any questions\* I'll be in on Friday from about noon until 2:00 PM Andrew Smits, P.E.Environmental EngineeringDepartment Manager Learn more about us at our website: [www.inlandseaseng.com](http://www.inlandseaseng.com) Thanks ! INLAND SEAS ENGINEERING, INC.1755 Barlow St. (parcel post)P.O. Box 6820 (regular mail)Traverse City, MI 49696-6820 Voice: 231.933.4041Facsimile: 231.933.4393  
CONFIDENTIALITY NOTICE:This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication or distribution of this

transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.

**CC:** "Diane Lundin" <dcl@InlandSeasEng.com>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>, <chris@cherryblossomllc.com>



WRS  
GT Co.

**From:** Sy Paulik  
**To:** Andy Smits  
**Date:** 11/28/2005 3:04:32 PM  
**Subject:** Re:

Andy,

Thanks for the update on what you and your team have been doing. In order for us to be on the same page it would be helpful your you to submit a map of the area, the samples collected, collection wells, any other wells you put in. You can either include one map or multiple maps if your team hasn't put everything together. You can send the sample results later.

>>> "Andy Smits" <[ajs@inlandseaseng.com](mailto:ajs@inlandseaseng.com)> 11/23/2005 4:52 PM >>>

Sy-Sorry I did not call back on Tuesday as I said... I was pretty wrapped up in getting staff and equipment deployed to perform some assessment of the pond water spill. Tuesday we mapped out the alignment of the spill and did a little surveying to establish actual ground elevations so as to support where (AND WHERE NOT) the pond water located itself by gravity. We also used a conductivity/DO/Temp/pH meter (meter) to measure surface and groundwater paramteters. From this data, we assembled maps and debriefed technicians and compiled notes and readings. Today, we integrated Tuesday's data and mobilized to perform a second round of screening, this time acquiring soil and water samples (biased toward detection and nondetection) for laboratory analyses for chloride (conservative, non-reactive indicator). We sampled the area at the most distal end where Chris recovered 300 gallons and in this area we scoured the vicinity for culverts and drains to ensure that there were no apparent migration pathways where the ponded spill material accumulated. We also sampled water in the on-site storm water ponds and some soil in the area where it was obvious the pond water had eroded soil as it flowed downhill by gravity. We expect to get the samples in to the lab on Friday with a rush turnaround. I tried to call you at 4:30 but there was no answer... when I bounced out of your voice mail to talk to a human (to see if you had left the building) I got another recording....figuring all were gone for the holiday, I decided to write. Please call if you have any questions... I'll be in on Friday from about noon until 2:00 PM Andrew Smits, P.E.Environmental EngineeringDepartment Manager **Learn more about us at our website:** [www.inlandseaseng.com](http://www.inlandseaseng.com) Thanks ! INLAND SEAS ENGINEERING, INC.1755 Barlow St. (parcel post)P.O. Box 6820 (regular mail)Traverse City, MI 49696-6820 Voice:

231.933.4041Facsimile: 231.933.4393 **CONFIDENTIALITY NOTICE:**This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.



Sy Paulik

---

**From:** "Andy Smits" <ajs@inlandseaseng.com>  
**To:** <PAULIKS@michigan.gov>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>  
**Date:** 11/23/2005 4:53 PM  
**CC:** "Joe Quandt" <jequandt@zimmerman-kuhn.com>, <chris@cherryblossomllc.com>, "Diane Lundin" <dcl@InlandSeasEng.com>

---

Sy-

Sorry I did not call back on Tuesday as I said... I was pretty wrapped up in getting staff and equipment deployed to perform some assessment of the pond water spill.

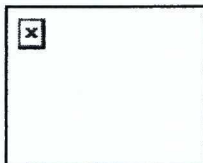
Tuesday we mapped out the alignment of the spill and did a little surveying to establish actual ground elevations so as to support where (AND WHERE NOT) the pond water located itself by gravity. We also used a conductivity/DO/Temp/pH meter (meter) to measure surface and groundwater parameters. From this data, we assembled maps and debriefed technicians and compiled notes and readings.

Today, we integrated Tuesday's data and mobilized to perform a second round of screening, this time acquiring soil and water samples (biased toward detection and nondetection) for laboratory analyses for chloride (conservative, non-reactive indicator). We sampled the area at the most distal end where Chris recovered 300 gallons and in this area we scoured the vicinity for culverts and drains to ensure that there were no apparent migration pathways where the ponded spill material accumulated. We also sampled water in the on-site storm water ponds and some soil in the area where it was obvious the pond water had eroded soil as it flowed downhill by gravity.

We expect to get the samples in to the lab on Friday with a rush turnaround.

I tried to call you at 4:30 but there was no answer... when I bounced out of your voice mail to talk to a human (to see if you had left the building) I got another recording....figuring all were gone for the holiday, I decided to write.

Please call if you have any questions... I'll be in on Friday from about noon until 2:00 PM



Andrew Smits, P.E.  
Environmental Engineering  
Department Manager

Learn more about us at our website: [www.inlandseaseng.com](http://www.inlandseaseng.com)

Thanks !

INLAND SEAS ENGINEERING, INC.  
1755 Barlow St. (parcel post)  
P.O. Box 6820 (regular mail)  
Traverse City, MI 49696-6820  
Voice: 231.933.4041  
Facsimile: 231.933.4393

**CONFIDENTIALITY NOTICE:**

This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any

dissemination, duplication or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.

WRS  
GT Co.

**From:** Janice Heuer  
**To:** Michael Stifler; Rick Ruzs  
**Date:** 12/14/2005 2:47:18 PM  
**Subject:** wastewater generation rates

I did some calculations of wastewater quantities for WRS. Based on the August 4 submittal by WRS, Inland Seas measured wastewater quantities that flowed through the hydroseive and presented it to us. The average wastewater generated for the period from 8/8 through 8/30 was 9,864 gallons per day. Smit's estimated that 18,000 gallons per day of "lean" (low cl) water would be generated according to the submittal.

Using the lower number, from July 1- October 31 the plant would have generated 1,213,272 gallons of wastewater.

I have waste manifests for four loads of water hauled from the site during July and August. While I believe it was mostly "high strength" wastewater that was hauled (not the same water calculated above), if I subtract this water, plus allow for the facility to store three 90,000 gallon tanks plus 18 brine pits worth of water, I calculate that 493,272 gallons of water is unaccounted for.

This calculation is extremely conservative because I believe that much brine pit storage was water that was used to haul the cherries from the farms. I observed this during my July visits.

Data submitted in June shows that chloride in the lagoon went from about 600 in 2003 up to 673 in June, 2005. Then it suddenly jumps up to 1013 in September 2005. This sudden jump in chloride cannot be accounted for through precipitation or mixing as precipitation concentration of cl is almost nil and the ponds were mixed through June 2005. I can only conclude that some of the half million gallons of chloride waste may have made its way into the lagoon.

Janice Heuer  
Senior Environmental Engineer  
Water Bureau  
Cadillac District office  
231-775-3960 ext. 6203  
heuerj@michigan.gov

**CC:** Sy Paulik



**From:** "Andy Smits" <ajs@inlandseaseng.com>  
**To:** "Joe Quandt" <jequandt@zimmerman-kuhn.com>, "Sy Paulik" <Pauliks@michigan.gov>, "Janice Heuer" <HEUERJ@michigan.gov>, "Chris Hubbell" <chris@cherryblossomllc.com>, "Eric Hudy" <hudy@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>  
**Date:** 12/9/2005 3:19 PM  
**Subject:** RE: Pond Release Investigation Report at WilliamsburgRecieving & Storage Cherry Blossom LLC.  
**CC:** "Diane Lundin" <dcl@InlandSeasEng.com>

---

Thanksgiving was the 24<sup>th</sup> ...

.... We're proceeding with the Part 91 Permit Application and will ask them to expedite

---

**From:** Joe Quandt [mailto:jequandt@zimmerman-kuhn.com]  
**Sent:** Thursday, December 08, 2005 5:26 PM  
**To:** Sy Paulik; Janice Heuer; Chris Hubbell; Eric Hudy; Michael Stifler  
**Cc:** Andy Smits; Diane Lundin  
**Subject:** RE: Pond Release Investigation Report at WilliamsburgRecieving & Storage Cherry Blossom LLC.

Hello Sy. I met with Andy and Diane this afternoon to review the complete report and recommendations. Many of your questions are answered in the report. Some of your other concerns will be addressed at the meeting with your staff and Lansing staff next Tuesday afternoon. I will call Eric and see where he is with processing the permit application which was forwarded yesterday. Thanks. Joe.

Joseph E. Quandt, Esq.  
Zimmerman, Kuhn, Darling, Boyd,  
Taylor and Quandt, PLC  
412 S. Union Street  
Traverse City, MI 49684  
(231) 947-7901 x115  
jequandt@zimmerman-kuhn.com

Confidential. This e-mail may contain confidential information and is only for the use of the intended recipient. This message may be protected by attorney client privilege, is confidential in nature, or otherwise protected from disclosure and must not be published if received by any person other than the intended recipient. If you received this message in error, please reply to sender or telephone at 231.947.7900 and destroy the original message and all copies. Thank you.

-----Original Message-----

**From:** Sy Paulik [mailto:Pauliks@michigan.gov]  
**Sent:** Thursday, December 08, 2005 3:10 PM  
**To:** Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt



**Cc:** Eric Hudy; Richard Shoemaker; Michael Stifler

**Subject:** RE: Pond Release Investigation Report at WilliamsburgRecieving & Storage Cherry Blossom LLC.

Hi Joe, Diane, Andy, & Chris,

I have some more questions: The samples were taken on the 11/23/05 why did the lab receive them five days later on 11/28/2005? Where are the other sample results for the soil borings indicated in Figure1? Why is clean-up not being addressed in the upland areas on Munro Road which does not require waiting for a wetland permit to do any work? The clean-up criteria for Cl is 500 mg/Kg in soils and 250 mg/L in water. Those are the areas I would expect clean up in. The somewhat lower numbers only indicate to me that the wastewater maybe in the groundwater and moved deeper. Without samples to prove that area is clean, I find it difficult to determine that soil removal only as a sufficient clean-up. I also had questions from my last correspondence that was not answered. Why is it too soon to conduct a clean-up? I don't understand the reasons for the conductivity readings so I really can't address that. Since I didn't get any form of communication that clean-up has started I assume that it hasn't. This is very atypical in a spill situation for this to happen. As I have informed you all before my concerns, the longer clean-up takes the more it will cost and I know that money is being spent right now, yet the no soils have been moved/removed. I'm not clear of the reasons for this noncompliance.

>>>> "Joe Quandt." <jequandt@zimmerman-kuhn.com> 12/6/2005 12:56 PM >>>>

Sy, just to be clear, we will begin excavation in the off site area where we have impact above background concentrations, as soon as we have the wetland permit. I spoke with Eric Hudy and he expects to issue the permit quickly after the application is received. I understand from R. Brown and Associates that they will have the application in today or tomorrow at the latest. Thus, we expect to be digging by the end of the week. Thanks for your continued input. Joe.

Joseph E. Quandt, Esq.  
Zimmerman, Kuhn, Darling, Boyd,  
Taylor and Quandt, PLC  
412 S. Union Street  
Traverse City, MI 49684  
(231) 947-7901 x115  
jequandt@zimmerman-kuhn.com

Confidential. This e-mail may contain confidential information and is only for the use of the intended recipient. This message may be protected by attorney client privilege, is confidential in nature, or otherwise protected from disclosure and must not be published if received by any person other than the intended recipient. If you received this message in error, please reply to sender or telephone at 231.947.7900 and destroy the original message and all copies. Thank you.

-----Original Message-----

**From:** Diane Lundin [mailto:dcl@inlandseaseng.com]

**Sent:** Tuesday, December 06, 2005 11:14 AM

**To:** Sy Paulik; Chris Hubbell; Andy Smits; Janice Heuer; Joe Quandt

**Cc:** Richard Shoemaker; Michael Stifler

**Subject:** RE: Pond Release Investigation Report

Sy:

Attached is the SOS analytical data that we have to date. We have submitted additional samples to SOS from Friday's investigation, and visited the site on Monday to complete the shallow well

monitoring (needed a right of way permit to install two of the wells). In my voice mail Friday, I wanted to relay the approach that is being taken for the cleanup. We did conduct additional sampling in the off-site accumulation area. As Joe has explained, an evaluation was being conducted of the wetland area to determine how much of the off-site accumulation area is wetlands – the result indicated that the area is wetlands, and a permit is in process (Bruce Jones of R. Brown and Associates will get in overnight mail to Eric Hudy). Since that evaluation was being conducted on Friday, and we cannot excavate until the permit is obtained, we sampled additional areas to determine extent of impact (off-site). If you look at the data results to date, you will see that not all areas are above any of the soil criteria, and those areas that are (off-site) are above direct contact criteria. The direct contact criteria were established based on adverse impacts to plant life and phytotoxicity. The two known areas (off-site) where exceedences occur are at SB-101 (north side of off-site accumulation area) and SB-108 (south side). We wanted to obtain additional samples to see where these exceedences taper off – this is what I meant in my voice mail to you by determining the area of impact. Also, as Joe pointed out in his email, this is an area where road run-off is discharged (see inset on Figure 1 for discharge area).

For the on-site area, the SOS analytical results show one sample that is above direct contact criteria (criteria based on plant and phytotoxicity impacts). The sample that exceeded was at SB-110. Our investigation Friday was to determine how much of this area may have been impacted. Our field tech Friday conducted sampling in an area north of the previous area sampled, both at surface and approximately 4 feet down. This area appears to be a larger area that extends from the western berm to a point north of the previous sample locations (SB-110-SB-112). This investigation was necessary to determine the lateral extent that the release has had. We sampled a larger area, taking samples at four points (north, south, east and west boundaries) and a central point (surface) as well as a below surface sample at the central point (approximately four feet below ground level).

You state that anywhere the soil samples have hits should be excavated and disposed. All samples have had some level of chloride in the soil. We are in the process of determining impacted areas and the extent of impact, the purpose being to determine what remediation options are available. A detailed plan describing a risk based approach for interim and long term measures will be submitted tomorrow (after internal review) via email to your attention. Some excavation will take place off-site when the wetland permit is available.

I will be in touch. In the interim, if you have any questions please call me at 231-933-4041.

Sincerely,

Diane Lundin

Inland Seas Engineering, Inc.

---

**From:** Sy Paulik [mailto:Pauliks@michigan.gov]  
**Sent:** Monday, December 05, 2005 1:13 PM



**To:** Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt  
**Cc:** Richard Shoemaker; Michael Stifler  
**Subject:** Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an emergency clean-up we take care of the source first, then the soils, then the ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of. Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd.

Why is it too soon to excavate? What is the basis for this?

Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly--not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area then submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
[pauliks@michigan.gov](mailto:pauliks@michigan.gov)

>>> "Joe Quandt" <[jequandt@zimmerman-kuhn.com](mailto:jequandt@zimmerman-kuhn.com)> 12/1/2005 4:42 PM >>>

Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under Part 303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working with your colleague Eric

Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of the spill area beforehand but we frankly see no benefit in doing the

groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting on all pending matters, hopefully the week of December 12th. We look forward to working with you in addressing all compliance concerns in a reasonable and timely manner. Thanks for your input. Joe

--- Original Message ---

From: "Sy Paulik" <Pauliks@michigan.gov>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits" <ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>

Cc: "Richard Shoemaker" <SHOEMAKR@michigan.gov>

Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarize our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you get that completed please feel free to send that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at an appropriate site, not to contaminate other locations. I believe that the characteristic of this

spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD, metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in



the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov



WRS  
GT Co

Sy Paulik - RE: Pond Release Investigation Report at Williamsburg Recieving & Storage Cherry Blossom LLC.

---

**From:** Sy Paulik  
**To:** Andy Smits; Chris Hubbell; Diane Lundin; Janice Heuer; Joe Quandt  
**Date:** 12/8/2005 4:10 PM  
**Subject:** RE: Pond Release Investigation Report at Williamsburg Recieving & Storage Cherry Blossom LLC.  
**CC:** Eric Hudy; Michael Stifler; Richard Shoemaker

---

Hi Joe, Diane, Andy, & Chris,

I have some more questions: The samples were taken on the 11/23/05 why did the lab receive them five days later on 11/28/2005? Where are the other sample results for the soil borings indicated in Figure1? Why is clean-up not being addressed in the upland areas on Munro Road which does not require waiting for a wetland permit to do any work? The clean-up criteria for Cl is 500 mg/Kg in soils and 250 mg/L in water. Those are the areas I would expect clean up in. The somewhat lower numbers only indicate to me that the wastewater maybe in the groundwater and moved deeper. Without samples to prove that area is clean, I find it difficult to determine that soil removal only as a sufficient clean-up. I also had questions from my last correspondence that was not answered. Why is it too soon to conduct a clean-up? I don't understand the reasons for the conductivity readings so I really can't address that. Since I didn't get any form of communication that clean-up has started I assume that it hasn't. This is very atypical in a spill situation for this to happen. As I have informed you all before my concerns, the longer clean-up takes the more it will cost and I know that money is being spent right now, yet the no soils have been moved/removed. I'm not clear of the reasons for this noncompliance.

>>> "Joe Quandt." <jequandt@zimmerman-kuhn.com> 12/6/2005 12:56 PM >>>

Sy, just to be clear, we will begin excavation in the off site area where we have impact above background concentrations, as soon as we have the wetland permit. I spoke with Eric Hudy and he expects to issue the permit quickly after the application is received. I understand from R. Brown and Associates that they will have the application in today or tomorrow at the latest. Thus, we expect to be digging by the end of the week. Thanks for your continued input. Joe.

Joseph E. Quandt, Esq.  
 Zimmerman, Kuhn, Darling, Boyd,  
 Taylor and Quandt, PLC  
 412 S. Union Street  
 Traverse City, MI 49684  
 (231) 947-7901 x115  
 jequandt@zimmerman-kuhn.com

Confidential. This e-mail may contain confidential information and is only for the use of the intended recipient. This message may be protected by attorney client privilege, is confidential in nature, or otherwise protected from disclosure and must not be published if received by any person other than the intended recipient. If you received this message in error, please reply to sender or telephone at 231.947.7900 and destroy the original message and all copies. Thank you.

-----Original Message-----

**From:** Diane Lundin [mailto:dcl@inlandseaseng.com]  
**Sent:** Tuesday, December 06, 2005 11:14 AM  
**To:** Sy Paulik; Chris Hubbell; Andy Smits; Janice Heuer; Joe Quandt  
**Cc:** Richard Shoemaker; Michael Stifler  
**Subject:** RE: Pond Release Investigation Report

Sy:

Attached is the SOS analytical data that we have to date. We have submitted additional samples to SOS from Friday's investigation, and visited the site on Monday to complete the shallow well monitoring



(needed a right of way permit to install two of the wells). In my voice mail Friday, I wanted to relay the approach that is being taken for the cleanup. We did conduct additional sampling in the off-site accumulation area. As Joe has explained, an evaluation was being conducted of the wetland area to determine how much of the off-site accumulation area is wetlands – the result indicated that the area is wetlands, and a permit is in process (Bruce Jones of R. Brown and Associates will get in overnight mail to Eric Hudy). Since that evaluation was being conducted on Friday, and we cannot excavate until the permit is obtained, we sampled additional areas to determine extent of impact (off-site). If you look at the data results to date, you will see that not all areas are above any of the soil criteria, and those areas that are (off-site) are above direct contact criteria. The direct contact criteria were established based on adverse impacts to plant life and phytotoxicity. The two known areas (off-site) where exceedences occur are at SB-101 (north side of off-site accumulation area) and SB-108 (south side). We wanted to obtain additional samples to see where these exceedences taper off – this is what I meant in my voice mail to you by determining the area of impact. Also, as Joe pointed out in his email, this is an area where road run-off is discharged (see inset on Figure 1 for discharge area).

For the on-site area, the SOS analytical results show one sample that is above direct contact criteria (criteria based on plant and phytotoxicity impacts). The sample that exceeded was at SB-110. Our investigation Friday was to determine how much of this area may have been impacted. Our field tech Friday conducted sampling in an area north of the previous area sampled, both at surface and approximately 4 feet down. This area appears to be a larger area that extends from the western berm to a point north of the previous sample locations (SB-110-SB-112). This investigation was necessary to determine the lateral extent that the release has had. We sampled a larger area, taking samples at four points (north, south, east and west boundaries) and a central point (surface) as well as a below surface sample at the central point (approximately four feet below ground level).

You state that anywhere the soil samples have hits should be excavated and disposed. All samples have had some level of chloride in the soil. We are in the process of determining impacted areas and the extent of impact, the purpose being to determine what remediation options are available. A detailed plan describing a risk based approach for interim and long term measures will be submitted tomorrow (after internal review) via email to your attention. Some excavation will take place off-site when the wetland permit is available.

I will be in touch. In the interim, if you have any questions please call me at 231-933-4041.

Sincerely,

Diane Lundin

Inland Seas Engineering, Inc.

---

**From:** Sy Paulik [mailto:Pauliks@michigan.gov]

**Sent:** Monday, December 05, 2005 1:13 PM

**To:** Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt



**Cc:** Richard Shoemaker; Michael Stifler  
**Subject:** Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an emergency clean-up we take care of the source first, then the soils, then the ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of. Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd.

Why is it too soon to excavate? What is the basis for this?

Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly--not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area than submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.

Ms. Sy Paulik  
 Water Bureau- Cadillac  
 231-775-3960 x 6267  
 231-775-1511 fax  
[pauliks@michigan.gov](mailto:pauliks@michigan.gov)

>>> "Joe Quandt" <jequandt@zimmerman-kuhn.com> 12/1/2005 4:42 PM >>>

Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under Part 303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working with your colleague Eric Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is

complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting on all pending matters, hopefully the week of December 12th. We look forward to working with you in addressing all compliance concerns in a resonable and timely manner. Thanks for your input. Joe

--- Original Message ---

From: "Sy Paulik" <Pauliks@michigan.gov>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits" <ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>

Cc: "Richard Shoemaker" <SHOEMAKR@michigan.gov>

Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarized our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you get that complied please feel free to sent that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at an appropriate site, not to contaminate other locations. I believe that the characteristic of this spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD,metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining



layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

WRS  
LIT L3

**From:** "Joe Quandt" <jequandt@zimmerman-kuhn.com>  
**To:** "Diane Lundin" <dcl@inlandseaseng.com>, "Sy Paulik" <Pauliks@michigan.gov>, "Chris Hubbell" <chris@cherryblossomllc.com>, "Andy Smits" <ajs@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>  
**Date:** 12/6/2005 1:42:48 PM  
**Subject:** RE: Pond Release Investigation Report

Sy, just to be clear, we will begin excavation in the off site area where we have impact above background concentrations, as soon as we have the wetland permit. I spoke with Eric Hudy and he expects to issue the permit quickly after the application is received. I understand from R. Brown and Associates that they will have the application in today or tomorrow at the latest. Thus, we expect to be digging by the end of the week. Thanks for your continued input. Joe.

Joseph E. Quandt, Esq.  
Zimmerman, Kuhn, Darling, Boyd,  
Taylor and Quandt, PLC  
412 S. Union Street  
Traverse City, MI 49684  
(231) 947-7901 x115  
jequandt@zimmerman-kuhn.com

Confidential. This e-mail may contain confidential information and is only for the use of the intended recipient. This message may be protected by attorney client privilege, is confidential in nature, or otherwise protected from disclosure and must not be published if received by any person other than the intended recipient. If you received this message in error, please reply to sender or telephone at 231.947.7900 and destroy the original message and all copies. Thank you.

-----Original Message-----

**From:** Diane Lundin [mailto:dcl@inlandseaseng.com]  
**Sent:** Tuesday, December 06, 2005 11:14 AM  
**To:** Sy Paulik; Chris Hubbell; Andy Smits; Janice Heuer; Joe Quandt  
**Cc:** Richard Shoemaker; Michael Stifler  
**Subject:** RE: Pond Release Investigation Report

Sy:

Attached is the SOS analytical data that we have to date. We have submitted additional samples to SOS from Friday's investigation, and visited the site on Monday to complete the shallow well monitoring (needed a right of way permit to install two of the wells). In my voice mail Friday, I wanted to relay the approach that is being taken for the cleanup. We did conduct additional sampling in the off-site accumulation area. As Joe has explained, an evaluation was being conducted of the wetland area to determine how much of the off-site accumulation area is wetlands - the result indicated that the area is wetlands, and a permit is in process (Bruce Jones of R. Brown and Associates will get in overnight mail to Eric Hudy). Since that evaluation was being conducted on Friday, and we cannot excavate until the permit is obtained, we sampled additional areas to determine extent of impact (off-site). If you look at the data results to date, you will see that not all areas are above any of the soil criteria,



and those areas that are (off-site) are above direct contact criteria. The direct contact criteria were established based on adverse impacts to plant life and phytotoxicity. The two known areas (off-site) where exceedences occur are at SB-101 (north side of off-site accumulation area) and SB-108 (south side). We wanted to obtain additional samples to see where these exceedences taper off - this is what I meant in my voice mail to you by determining the area of impact. Also, as Joe pointed out in his email, this is an area where road run-off is discharged (see inset on Figure 1 for discharge area).

For the on-site area, the SOS analytical results show one sample that is above direct contact criteria (criteria based on plant and phytotoxicity impacts). The sample that exceeded was at SB-110. Our investigation Friday was to determine how much of this area may have been impacted. Our field tech Friday conducted sampling in an area north of the previous area sampled, both at surface and approximately 4 feet down. This area appears to be a larger area that extends from the western berm to a point north of the previous sample locations (SB-110-SB-112). This investigation was necessary to determine the lateral extent that the release has had. We sampled a larger area, taking samples at four points (north, south, east and west boundaries) and a central point (surface) as well as a below surface sample at the central point (approximately four feet below ground level).

You state that anywhere the soil samples have hits should be excavated and disposed. All samples have had some level of chloride in the soil. We are in the process of determining impacted areas and the extent of impact, the purpose being to determine what remediation options are available. A detailed plan describing a risk based approach for interim and long term measures will be submitted tomorrow (after internal review) via email to your attention. Some excavation will take place off-site when the wetland permit is available.

I will be in touch. In the interim, if you have any questions please call me at 231-933-4041.

Sincerely,

Diane Lundin

Inland Seas Engineering, Inc.

---

--

From: Sy Paulik [mailto:Pauliks@michigan.gov]  
Sent: Monday, December 05, 2005 1:13 PM  
To: Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt  
Cc: Richard Shoemaker; Michael Stiffler  
Subject: Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an emergency clean-up we take care of the source first, then the soils, then the ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of. Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd.

Why is it too soon to excavate? What is the basis for this?

Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly—not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area than submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov



>>> "Joe Quandt" <jequandt@zimmerman-kuhn.com> 12/1/2005 4:42 PM >>>

Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under

Part

303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working

with your colleague Eric

Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of

the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the

other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting

on all pending matters, hopefully the week of December 12th. We look forward

to working with you in addressing all compliance concerns in a resonable and timely manner. Thanks  
for your input. Joe

--- Original Message ---

From: "Sy Paulik" <Pauliks@michigan.gov>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits"

<ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>

Cc: "Richard Shoemaker" <SHOEMAKR@michigan.gov>

Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarized our phone conversation regarding the report and  
clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th

and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not

sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you

get that complied please feel free to sent that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at an appropriate site, not to contaminate other locations. I believe that the characteristic of this spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD,metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

CC: "Richard Shoemaker" <SHOEMAKR@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>



Sy, just to be clear, we will begin excavation in the off site area where we have impact above background concentrations, as soon as we have the wetland permit. I spoke with Eric Hudy and he expects to issue the permit quickly after the application is received. I understand from R. Brown and Associates that they will have the application in today or tomorrow at the latest. Thus, we expect to be digging by the end of the week. Thanks for your continued input. Joe.

Joseph E. Quandt, Esq.  
Zimmerman, Kuhn, Darling, Boyd,  
Taylor and Quandt, PLC  
412 S. Union Street  
Traverse City, MI 49684  
(231) 947-7901 x115  
jequandt@zimmerman-kuhn.com

Confidential. This e-mail may contain confidential information and is only for the use of the intended recipient. This message may be protected by attorney client privilege, is confidential in nature, or otherwise protected from disclosure and must not be published if received by any person other than the intended recipient. If you received this message in error, please reply to sender or telephone at 231.947.7900 and destroy the original message and all copies. Thank you.

-----Original Message-----

**From:** Diane Lundin [mailto:dcl@inlandseaseng.com]  
**Sent:** Tuesday, December 06, 2005 11:14 AM  
**To:** Sy Paulik; Chris Hubbell; Andy Smits; Janice Heuer; Joe Quandt  
**Cc:** Richard Shoemaker; Michael Stifler  
**Subject:** RE: Pond Release Investigation Report

Sy:

Attached is the SOS analytical data that we have to date. We have submitted additional samples to SOS from Friday's investigation, and visited the site on Monday to complete the shallow well monitoring (needed a right of way permit to install two of the wells). In my voice mail Friday, I wanted to relay the approach that is being taken for the cleanup. We did conduct additional sampling in the off-site accumulation area. As Joe has explained, an evaluation was being conducted of the wetland area to determine how much of the off-site accumulation area is wetlands – the result indicated that the area is wetlands, and a permit is in process (Bruce Jones of R. Brown and Associates will get in overnight mail to Eric Hudy). Since that evaluation was being conducted on Friday, and we cannot excavate until the permit is obtained, we sampled additional areas to determine extent of impact (off-site). If you look at the data results to date, you will see that not all areas are above any of the soil criteria, and those areas that are (off-site) are above direct contact criteria. The direct contact criteria were established based on adverse impacts to plant life and phytotoxicity. The two known areas (off-site) where exceedences occur are at SB-101 (north side of off-site accumulation area) and SB-108 (south side). We wanted to obtain additional samples to see where these exceedences taper off – this is what I meant in my voice mail to you by determining the area of impact. Also, as Joe pointed out in his email, this is an area where road run-off is discharged (see inset on Figure 1 for discharge area).

For the on-site area, the SOS analytical results show one sample that is above direct contact criteria (criteria based on plant and phytotoxicity impacts). The sample that exceeded was at SB-110. Our investigation Friday was to determine how much of this area may have been impacted. Our field tech Friday conducted sampling in an area north of the previous area sampled, both at surface and approximately 4 feet down. This area appears to be a larger area that extends from the western berm to a point north of the previous sample locations (SB-110-SB-112). This investigation was necessary to determine the lateral extent that the release has had. We sampled a larger area, taking samples at four points (north, south, east and west boundaries) and a central point (surface) as well as a below surface sample at the central point (approximately four feet below ground level).

You state that anywhere the soil samples have hits should be excavated and disposed. All samples have had some level of chloride in the soil. We are in the process of determining impacted areas and the extent of impact, the purpose being to determine what remediation options are available. A detailed plan describing a risk based approach for interim and long term measures will be submitted tomorrow (after internal review) via email to your attention. Some excavation will take place off-site when the wetland permit is available.

I will be in touch. In the interim, if you have any questions please call me at 231-933-4041.

Sincerely,

Diane Lundin

Inland Seas Engineering, Inc.

---

**From:** Sy Paulik [mailto:Pauliks@michigan.gov]

**Sent:** Monday, December 05, 2005 1:13 PM

**To:** Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt

**Cc:** Richard Shoemaker; Michael Stifler

**Subject:** Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an emergency clean-up we take care of the source first, then the soils, then the



ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of. Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd.

Why is it too soon to excavate? What is the basis for this?

Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly--not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area than submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
[pauliks@michigan.gov](mailto:pauliks@michigan.gov)

>>> "Joe Quandt" <jequandt@zimmerman-kuhn.com> 12/1/2005 4:42 PM >>>

Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under Part 303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working with your colleague Eric Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting on all pending matters, hopefully the week of December 12th. We look forward to working with you in addressing all compliance concerns in a resonable and timely manner. Thanks for your input. Joe

--- Original Message ---

From: "Sy Paulik" <Pauliks@michigan.gov>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits"

<ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>,

"Joe Quandt" <jequandt@zimmerman-kuhn.com>

Cc: "Richard Shoemaker" <SHOEMAKR@michigan.gov>

Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarized our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you get that complied please feel free to sent that to me electronically. I



feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at an appropriate site, not to contaminate other locations. I believe that the characteristic of this spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD,metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov



WRS  
G/Co.

**From:** "Diane Lundin" <dcl@inlandseaseng.com>  
**To:** "Sy Paulik" <Pauliks@michigan.gov>, "Chris Hubbell" <chris@cherryblossomllc.com>, "Andy Smits" <ajs@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>  
**Date:** 12/6/2005 12:14:13 PM  
**Subject:** RE: Pond Release Investigation Report

Sy:

Attached is the SOS analytical data that we have to date. We have submitted additional samples to SOS from Friday's investigation, and visited the site on Monday to complete the shallow well monitoring (needed a right of way permit to install two of the wells). In my voice mail Friday, I wanted to relay the approach that is being taken for the cleanup. We did conduct additional sampling in the off-site accumulation area. As Joe has explained, an evaluation was being conducted of the wetland area to determine how much of the off-site accumulation area is wetlands - the result indicated that the area is wetlands, and a permit is in process (Bruce Jones of R. Brown and Associates will get in overnight mail to Eric Hudy). Since that evaluation was being conducted on Friday, and we cannot excavate until the permit is obtained, we sampled additional areas to determine extent of impact (off-site). If you look at the data results to date, you will see that not all areas are above any of the soil criteria, and those areas that are (off-site) are above direct contact criteria. The direct contact criteria were established based on adverse impacts to plant life and phytotoxicity. The two known areas (off-site) where exceedences occur are at SB-101 (north side of off-site accumulation area) and SB-108 (south side). We wanted to obtain additional samples to see where these exceedences taper off - this is what I meant in my voice mail to you by determining the area of impact. Also, as Joe pointed out in his email, this is an area where road run-off is discharged (see inset on Figure 1 for discharge area).

For the on-site area, the SOS analytical results show one sample that is above direct contact criteria (criteria based on plant and phytotoxicity impacts). The sample that exceeded was at SB-110. Our investigation Friday was to determine how much of this area may have been impacted. Our field tech Friday conducted sampling in an area north of the previous area sampled, both at surface and approximately 4 feet down. This area appears to be a larger area that extends from the western berm to a point north of the previous sample locations (SB-110-SB-112). This investigation was necessary to determine the lateral extent that the release has had. We sampled a larger area, taking samples at four points (north, south, east and west boundaries) and a central point (surface) as well as a below surface sample at the central point (approximately four feet below ground level).

You state that anywhere the soil samples have hits should be excavated and disposed. All samples have had some level of chloride in the soil. We are in the process of determining impacted areas and the extent of impact, the purpose being to determine what remediation options are



available. A detailed plan describing a risk based approach for interim and long term measures will be submitted tomorrow (after internal review) via email to your attention. Some excavation will take place off-site when the wetland permit is available.

I will be in touch. In the interim, if you have any questions please call me at 231-933-4041.

Sincerely,

Diane Lundin

Inland Seas Engineering, Inc.

---

From: Sy Paulik [mailto:Pauliks@michigan.gov]  
Sent: Monday, December 05, 2005 1:13 PM  
To: Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt  
Cc: Richard Shoemaker; Michael Stifler  
Subject: Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an emergency clean-up we take care of the source first, then the soils, then the ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of. Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd.

Why is it too soon to excavate? What is the basis for this?

Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly--not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area than submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

>>> "Joe Quandt" <jequandt@zimmerman-kuhn.com> 12/1/2005 4:42 PM >>>

Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under Part 303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working with your colleague Eric Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting on all pending matters, hopefully the week of December 12th. We look forward to working with you in addressing all compliance concerns in a resonable and timely manner. Thanks for your input. Joe



--- Original Message ---

From: "Sy Paulik" <Pauliks@michigan.gov>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits"

<ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>

Cc: "Richard Shoemaker" <SHOEMAKR@michigan.gov>

Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarize our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you get that completed please feel free to send that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at an appropriate site, not to contaminate other locations. I believe that the characteristic of this spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD, metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe

it is most critical to look at the water and test that to the confining layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

CC: "Richard Shoemaker" <SHOEMAKR@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>



Sy:

Attached is the SOS analytical data that we have to date. We have submitted additional samples to SOS from Friday's investigation, and visited the site on Monday to complete the shallow well monitoring (needed a right of way permit to install two of the wells). In my voice mail Friday, I wanted to relay the approach that is being taken for the cleanup. We did conduct additional sampling in the off-site accumulation area. As Joe has explained, an evaluation was being conducted of the wetland area to determine how much of the off-site accumulation area is wetlands – the result indicated that the area is wetlands, and a permit is in process (Bruce Jones of R. Brown and Associates will get in overnight mail to Eric Hudy). Since that evaluation was being conducted on Friday, and we cannot excavate until the permit is obtained, we sampled additional areas to determine extent of impact (off-site). If you look at the data results to date, you will see that not all areas are above any of the soil criteria, and those areas that are (off-site) are above direct contact criteria. The direct contact criteria were established based on adverse impacts to plant life and phytotoxicity. The two known areas (off-site) where exceedences occur are at SB-101 (north side of off-site accumulation area) and SB-108 (south side). We wanted to obtain additional samples to see where these exceedences taper off – this is what I meant in my voice mail to you by determining the area of impact. Also, as Joe pointed out in his email, this is an area where road run-off is discharged (see inset on Figure 1 for discharge area).

For the on-site area, the SOS analytical results show one sample that is above direct contact criteria (criteria based on plant and phytotoxicity impacts). The sample that exceeded was at SB-110. Our investigation Friday was to determine how much of this area may have been impacted. Our field tech Friday conducted sampling in an area north of the previous area sampled, both at surface and approximately 4 feet down. This area appears to be a larger area that extends from the western berm to a point north of the previous sample locations (SB-110-SB-112). This investigation was necessary to determine the lateral extent that the release has had. We sampled a larger area, taking samples at four points (north, south, east and west boundaries) and a central point (surface) as well as a below surface sample at the central point (approximately four feet below ground level).

You state that anywhere the soil samples have hits should be excavated and disposed. All samples have had some level of chloride in the soil. We are in the process of determining impacted areas and the extent of impact, the purpose being to determine what remediation options are available. A detailed plan describing a risk based approach for interim and long term measures will be submitted tomorrow (after internal review) via email to your attention. Some excavation will take place off-site when the wetland permit is available.

I will be in touch. In the interim, if you have any questions please call me at 231-933-4041.

Sincerely,

Diane Lundin

Inland Seas Engineering, Inc.



WLS  
EST 6

**From:** "Joe Quandt" <jequandt@zimmerman-kuhn.com>  
**To:** "Sy Paulik" <Pauliks@michigan.gov>, "Chris Hubbell" <chris@cherryblossomllc.com>, "Andy Smits" <ajs@inlandseaseng.com>, "Diane Lundin" <dcl@inlandseaseng.com>, "Janice Heuer" <HEUERJ@michigan.gov>  
**Date:** 12/5/2005 3:10:30 PM  
**Subject:** RE: Pond Release Investigation Report

Sy, I just spoke to Ron Brown of Brown & Associates who confirms that most of the impacted area is wetland. I have instructed him to apply for a permit asap. He said he already spoke to Eric Hudy at LWMD either today or last friday and confirmed that the application will receive expedited consideration. With respect to the disposal, we will likely stockpile the soil on site with protective tarps to prevent any leaching concerns. Chris has mentioned that there is an agronomic application for this soil that may be beneficial to his orchard. I am looking at the provisions of Parts 111 and 115 as well as MDA regs to see if this is allowable. If it is not, the soil will be landfilled. If it is allowable we will seek whatever approval is necessary to accomplish this lawful goal. In any event, as I read the regs, the law allows the soil to be stockpiled and secured for up to 90 days after excavation. Then it needs to be removed to a licensed facility or otherwise dealt with in a lawful manner. Let me know if you, Mike or Janice read those regulations any differently. I just want you to be fully up to speed with what is going on. Thanks. Joe.

Joseph E. Quandt, Esq.  
Zimmerman, Kuhn, Darling, Boyd,  
Taylor and Quandt, PLC  
412 S. Union Street  
Traverse City, MI 49684  
(231) 947-7901 x115  
jequandt@zimmerman-kuhn.com

Confidential. This e-mail may contain confidential information and is only for the use of the intended recipient. This message may be protected by attorney client privilege, is confidential in nature, or otherwise protected from disclosure and must not be published if received by any person other than the intended recipient. If you received this message in error, please reply to sender or telephone at 231.947.7900 and destroy the original message and all copies. Thank you.

—Original Message—

**From:** Sy Paulik [mailto:Pauliks@michigan.gov]  
**Sent:** Monday, December 05, 2005 12:13 PM  
**To:** Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt  
**Cc:** Richard Shoemaker; Michael Stifler  
**Subject:** Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an emergency clean-up we take care of the source first, then the soils, then the ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the



longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of. Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd.

Why is it too soon to excavate? What is the basis for this?

Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly--not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area than submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

>>> "Joe Quandt" <jequandt@zimmerman-kuhn.com> 12/1/2005 4:42 PM >>>

Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under

Part

303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working

with your colleague Eric

Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of

the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the

other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting

on all pending matters, hopefully the week of December 12th. We look forward

to working with you in addressing all compliance concerns in a resonable and timely manner. Thanks

for your input. Joe

--- Original Message ---

From: "Sy Paulik" <Pauliks@michigan.gov>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits"

<ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>  
Cc: "Richard Shoemaker" <SHOEMAKR@michigan.gov>  
Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarize our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th

and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not

sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you

get that completed please feel free to send that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early

as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at

an appropriate site, not to contaminate other locations. I believe that the

characteristic of this

spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD, metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and

how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe

it is most critical to look at the water and test that to the confining layer.



There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

CC: "Richard Shoemaker" <SHOEMAKR@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Rick Ruzs" <RUSZR@michigan.gov>

Sy, I just spoke to Ron Brown of Brown & Associates who confirms that most of the impacted area is wetland. I have instructed him to apply for a permit asap. He said he already spoke to Eric Hudy at LWMD either today or last friday and confirmed that the application will receive expedited consideration. With respect to the disposal, we will likely stockpile the soil on site with protective tarps to prevent any leaching concerns. Chris has mentioned that there is an agronomic application for this soil that may be beneficial to his orchard. I am looking at the provisions of Parts 111 and 115 as well as MDA regs to see if this is allowable. If it is not, the soil will be landfilled. If it is allowable we will seek whatever approval is necessary to accomplish this lawful goal. In any event, as I read the regs, the law allows the soil to be stockpiled and secured for up to 90 days after excavation. Then it needs to be removed to a licensed facility or otherwise dealt with in a lawful manner. Let me know if you, Mike or Janice read those regulations any differently. I just want you to be fully up to speed with what is going on. Thanks. Joe.

Joseph E. Quandt, Esq.  
Zimmerman, Kuhn, Darling, Boyd,  
Taylor and Quandt, PLC  
412 S. Union Street  
Traverse City, MI 49684  
(231) 947-7901 x115  
jequandt@zimmerman-kuhn.com

Confidential. This e-mail may contain confidential information and is only for the use of the intended recipient. This message may be protected by attorney client privilege, is confidential in nature, or otherwise protected from disclosure and must not be published if received by any person other than the intended recipient. If you received this message in error, please reply to sender or telephone at 231.947.7900 and destroy the original message and all copies. Thank you.

-----Original Message-----

**From:** Sy Paulik [mailto:Pauliks@michigan.gov]  
**Sent:** Monday, December 05, 2005 12:13 PM  
**To:** Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt  
**Cc:** Richard Shoemaker; Michael Stifler  
**Subject:** Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an emergency clean-up we take care of the source first, then the soils, then the ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill



situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of.  
Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd.  
Why is it too soon to excavate? What is the basis for this?  
Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly--not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area than submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
[pauliks@michigan.gov](mailto:pauliks@michigan.gov)

>>> "Joe Quandt" <jequandt@zimmerman-kuhn.com> 12/1/2005 4:42 PM >>>  
Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under Part 303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working with your colleague Eric Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting on all pending matters, hopefully the week of December 12th. We look forward to working with you in addressing all compliance concerns in a resonable and timely manner. Thanks  
for your input. Joe

--- Original Message ---

From: "Sy Paulik" <Pauliks@michigan.gov>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits"

<ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler"

<STIFLERM@michigan.gov>,

"Joe Quandt" <jequandt@zimmerman-kuhn.com>

Cc: "Richard Shoemaker" <SHOEMAKR@michigan.gov>

Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarize our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you get that completed please feel free to send that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at an appropriate site, not to contaminate other locations. I believe that the characteristic of this spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD, metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining



layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

WRS  
GNT 6.

**From:** "Joe Quandt" <jequandt@zimmerman-kuhn.com>  
**To:** "Sy Paulik" <Pauliks@michigan.gov>, "Chris Hubbell" <chris@cherryblossomllc.com>, "Andy Smits" <ajs@inlandseaseng.com>, "Diane Lundin" <dcl@inlandseaseng.com>, "Janice Heuer" <HEUERJ@michigan.gov>  
**Date:** 12/5/2005 2:29:56 PM  
**Subject:** RE: Pond Release Investigation Report

Sy, I will ask Andy and Diane to respond to your technical questions. On the other issues, no one has ever said there should not be excavation of impacted soils. If you review the technical data carefully you will note that there is not much difference between the chloride numbers in the area of suspected impact and chloride concentrations in the wetland to the west from historical road salting. Is it your position that all areas with conductivity anomalies should be excavated regardless of whether or not there is demonstrated impact from the release and no way to distinguish that impact from historical road salting? That is what we are trying to get an understanding of in this situation. Also, I am curious as to how you calculated the volume of the release at 1 million gallons. I would respectfully request to see your data supporting this conclusion. It is hard for me to believe that the release could have been anywhere near that volume. Further, I don't believe that the entire area is wetland. That is why we sent a wetland biologist out there last week—to delineate the areas of wetland so we could excavate as soon as possible in the unregulated areas and apply for a permit for the regulated areas. If you could expedite permitting for the regulated areas that would be much appreciated. In the meantime, we can start digging in the unregulated areas. I'm sure that is what your Land and Water Management staff would recommend for this type of project. Please let me know if they feel differently. If they want us to assume it is all regulated area then we will apply for the permit as soon as Inland Seas can give me a work scope for the areas of known impact. I have instructed Inland Seas to provide the shallow groundwater wells you have requested. The deeper wells to define vertical impact to the confining layer is something that needs to be part of a full Remedial Investigation and that will be presented to Eric Chatterson and I assume he will involve you and your staff in the discussion of that plan. We hope to resolve this soon.  
Joe.

Joseph E. Quandt, Esq.  
Zimmerman, Kuhn, Darling, Boyd,  
Taylor and Quandt, PLC  
412 S. Union Street  
Traverse City, MI 49684  
(231) 947-7901 x115  
jequandt@zimmerman-kuhn.com

Confidential. This e-mail may contain confidential information and is only for the use of the intended recipient. This message may be protected by attorney client privilege, is confidential in nature, or otherwise protected from disclosure and must not be published if received by any person other than the intended recipient. If you received this message in error, please reply to sender or telephone at 231.947.7900 and destroy the original message and all copies. Thank you.

-----Original Message-----

From: Sy Paulik [mailto:Pauliks@michigan.gov]



Sent: Monday, December 05, 2005 12:13 PM

To: Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt

Cc: Richard Shoemaker; Michael Stifler

Subject: Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an emergency clean-up we take care of the source first, then the soils, then the ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of. Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd.

Why is it too soon to excavate? What is the basis for this?

Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly—not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area than submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

>>> "Joe Quandt" <jequandt@zimmerman-kuhn.com> 12/1/2005 4:42 PM >>>

Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or Monday to delineate if the areas to be excavated are regulated under Part

303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working with your colleague Eric Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of

the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting on all pending matters, hopefully the week of December 12th. We look forward to working with you in addressing all compliance concerns in a resonable and timely manner. Thanks for your input. Joe

--- Original Message ---

From: "Sy Paulik" <Pauliks@michigan.gov>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits"

<ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>

Cc: "Richard Shoemaker" <SHOEMAKR@michigan.gov>

Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarized our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th

and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not

sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you

get that complied please feel free to sent that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early

as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at

an appropriate site, not to contaminate other locations. I believe that the

characteristic of this

spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point



and believe that besides Cl- other parameters should be looked like pH, BOD,metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

CC: "Richard Shoemaker" <SHOEMAKR@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>



Sy, I will ask Andy and Diane to respond to your technical questions. On the other issues, no one has ever said there should not be excavation of impacted soils. If you review the technical data carefully you will note that there is not much difference between the chloride numbers in the area of suspected impact and chloride concentrations in the wetland to the west from historical road salting. Is it your position that all areas with conductivity anomalies should be excavated regardless of whether or not there is demonstrated impact from the release and no way to distinguish that impact from historical road salting? That is what we are trying to get an understanding of in this situation. Also, I am curious as to how you calculated the volume of the release at 1 million gallons. I would respectfully request to see your data supporting this conclusion. It is hard for me to believe that the release could have been anywhere near that volume. Further, I don't believe that the entire area is wetland. That is why we sent a wetland biologist out there last week--to delineate the areas of wetland so we could excavate as soon as possible in the unregulated areas and apply for a permit for the regulated areas. If you could expedite permitting for the regulated areas that would be much appreciated. In the meantime, we can start digging in the unregulated areas. I'm sure that is what your Land and Water Management staff would recommend for this type of project. Please let me know if they feel differently. If they want us to assume it is all regulated area then we will apply for the permit as soon as Inland Seas can give me a work scope for the areas of known impact. I have instructed Inland Seas to provide the shallow groundwater wells you have requested. The deeper wells to define vertical impact to the confining layer is something that needs to be part of a full Remedial Investigation and that will be presented to Eric Chatterson and I assume he will involve you and your staff in the discussion of that plan. We hope to resolve this soon. Joe.

Joseph E. Quandt, Esq.  
Zimmerman, Kuhn, Darling, Boyd,  
Taylor and Quandt, PLC  
412 S. Union Street  
Traverse City, MI 49684  
(231) 947-7901 x115  
jequandt@zimmerman-kuhn.com

Confidential. This e-mail may contain confidential information and is only for the use of the intended recipient. This message may be protected by attorney client privilege, is confidential in nature, or otherwise protected from disclosure and must not be published if received by any person other than the intended recipient. If you received this message in error, please reply to sender or telephone at 231.947.7900 and destroy the original message and all copies. Thank you.

-----Original Message-----

**From:** Sy Paulik [mailto:Pauliks@michigan.gov]

**Sent:** Monday, December 05, 2005 12:13 PM

**To:** Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt

**Cc:** Richard Shoemaker; Michael Stifler

**Subject:** Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an



emergency clean-up we take care of the source first, then the soils, then the ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of. Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd. Why is it too soon to excavate? What is the basis for this? Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly--not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area than submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
[pauliks@michigan.gov](mailto:pauliks@michigan.gov)

>>>> "Joe Quandt" <[jequandt@zimmerman-kuhn.com](mailto:jequandt@zimmerman-kuhn.com)> 12/1/2005 4:42 PM >>>>  
Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under Part 303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working with your colleague Eric Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it

cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting on all pending matters, hopefully the week of December 12th. We look forward to working with you in addressing all compliance concerns in a reasonable and timely manner. Thanks for your input. Joe

--- Original Message ---

From: "Sy Paulik" <Pauliks@michigan.gov>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits"

<ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler"

<STIFLERM@michigan.gov>,

"Joe Quandt" <jequandt@zimmerman-kuhn.com>

Cc: "Richard Shoemaker" <SHOEMAKR@michigan.gov>

Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarize our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you get that completed please feel free to send that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at an appropriate site, not to contaminate other locations. I believe that the characteristic of this

spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point



and believe that besides Cl- other parameters should be looked like pH, BOD, metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

WRS  
GNT Co.

---

**From:** Sy Paulik [mailto:Pauliks@michigan.gov]  
**Sent:** Monday, December 05, 2005 1:13 PM  
**To:** Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt  
**Cc:** Richard Shoemaker; Michael Stifler  
**Subject:** Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an emergency clean-up we take care of the source first, then the soils, then the ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of. Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd.

Why is it too soon to excavate? What is the basis for this?

Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly--not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area then submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.



Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
[pauliks@michigan.gov](mailto:pauliks@michigan.gov)

>>> "Joe Quandt" <[jequandt@zimmerman-kuhn.com](mailto:jequandt@zimmerman-kuhn.com)> 12/1/2005 4:42 PM >>>

Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under Part 303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working with your colleague Eric Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting on all pending matters, hopefully the week of December 12th. We look forward to working with you in addressing all compliance concerns in a resonable and timely manner. Thanks for your input. Joe

--- Original Message ---

From: "Sy Paulik" <[Pauliks@michigan.gov](mailto:Pauliks@michigan.gov)>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <[chris@cherryblossomllc.com](mailto:chris@cherryblossomllc.com)>, "Andy Smits" <[ajs@InlandSeasEng.com](mailto:ajs@InlandSeasEng.com)>, "Diane Lundin" <[dcl@InlandSeasEng.com](mailto:dcl@InlandSeasEng.com)>, "Janice Heuer" <[HEUERJ@michigan.gov](mailto:HEUERJ@michigan.gov)>, "Michael Stifler" <[STIFLERM@michigan.gov](mailto:STIFLERM@michigan.gov)>, "Joe Quandt" <[jequandt@zimmerman-kuhn.com](mailto:jequandt@zimmerman-kuhn.com)>

Cc: "Richard Shoemaker" <[SHOEMAKR@michigan.gov](mailto:SHOEMAKR@michigan.gov)>

Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarized our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you get that compiled please feel free to sent that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at an appropriate site, not to contaminate other locations. I believe that the characteristic of this spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD,metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac



231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov



RECEIVED DEC 05 2005

4125 Cedar Run Rd., Suite B  
Traverse City, MI 49684  
Phone 231-946-6767  
Fax 231-946-8741  
www.sosanalytical.com

COMPANY: CHERRY BLOSSOM, L.L.C.

SOS PROJECT NO: 055489

NAME:

SAMPLED BY: DEAN LEWIS-BO EGAN/ISE

PROJECT NO: 02-061-59

WSSN:

DATE SAMPLED: 11/23/05

WELL PERMIT:

TIME SAMPLED:

TAX ID:

SAMPLE MATRIX: SOIL

LOCATION: 10190 MUNRO RD

DATE RECEIVED: 11/28/05

WILLIAMSBURG

TIME RECEIVED: 9:05 AM

MI

\*SOILS REPORTED ON A DRY WEIGHT BASIS\*

COUNTY:

TWP:

**INORGANICS**

No: Analysis	Concentration	LOD	Units	Analyst	Date Completed	Drinking Water Reg Limit(MCL)
SAMPLE ID: SB-101 0-1'						
1 CHLORIDE EPA 9251	1,500	50	mg/Kg (PPM)	KMC	11/29/05	
SAMPLE ID: SB-103 0-1'						
2 CHLORIDE EPA 9251	464	30	mg/Kg (PPM)	KMC	11/29/05	
SAMPLE ID: SB-106 0-1'						
3 CHLORIDE EPA 9251	275	10	mg/Kg (PPM)	KMC	11/29/05	
SAMPLE ID: SB-108 0-1'						
4 CHLORIDE EPA 9251	610	20	mg/Kg (PPM)	KMC	11/29/05	
SAMPLE ID: SB-109 0-1'						
5 CHLORIDE EPA 9251	173	10	mg/Kg (PPM)	KMC	11/29/05	
SAMPLE ID: SB-110 0-1'						
6 CHLORIDE EPA 9251	2,020	20	mg/Kg (PPM)	KMC	11/29/05	
SAMPLE ID: SB-111 0-1'						
7 CHLORIDE EPA 9251	314	20	mg/Kg (PPM)	KMC	11/29/05	
SAMPLE ID: SB-111 4-5'						
8 CHLORIDE EPA 9251	19	10	mg/Kg (PPM)	KMC	11/29/05	
SAMPLE ID: SB-112 0-1'						
9 CHLORIDE EPA 9251	214	10	mg/Kg (PPM)	KMC	11/29/05	
SAMPLE ID: WRS-A UPPER RETENTION POND						
10 CHLORIDE EPA 325.2	865	15	mg/L (PPM)	KMC	11/29/05	
SAMPLE ID: WRS-B PARKING RUN-OFF						
11 CHLORIDE EPA 325.2	105	5	mg/L (PPM)	KMC	11/29/05	
SAMPLE ID: WRS-C MAINTENANCE BUILDING POND						
12 CHLORIDE EPA 325.2	200	5	mg/L (PPM)	KMC	11/29/05	

ND = NOT DETECTED

LOD = LIMIT OF DETECTION

SMCL = FEDERAL NON-ENFORCEABLE LIMIT

MCL = MAXIMUM CONTAMINANT LEVEL

s.u. = STANDARD pH UNITS REPORTED AT 25 C

DISS = DISSOLVED

APPROVED BY:

SHANNA SHEA

LAB MANAGER

Page 1 of 1

SOS ANALYTICAL, INC. IS CERTIFIED FOR COMPLIANCE MONITORING UNDER THE SAFE DRINKING WATER ACT.



WRS  
GTL

**From:** Sy Paulik  
**To:** Andy Smits; Chris Hubbell; Diane Lundin; Janice Heuer; Joe Quandt  
**Date:** 12/5/2005 1:12:39 PM  
**Subject:** Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an emergency clean-up we take care of the source first, then the soils, then the ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of. Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd.

Why is it too soon to excavate? What is the basis for this?

Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly—not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area then submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

>>> "Joe Quandt" <jequandt@zimmerman-kuhn.com> 12/1/2005 4:42 PM >>>

Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under Part 303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working with your colleague Eric

Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting on all pending matters, hopefully the week of December 12th. We look forward to working with you in addressing all compliance concerns in a resonable and timely manner. Thanks for your input. Joe



WKS  
GTC

**From:** "Joe Quandt" <jequandt@zimmerman-kuhn.com>  
**To:** <Pauliks@michigan.gov>, "Chris Hubbell" <chris@cherryblossomllc.com>, "Andy Smits" <ajs@inlandseaseng.com>, "Diane Lundin" <dcl@inlandseaseng.com>, <HEUERJ@michigan.gov>, <STIFLERM@michigan.gov>  
**Date:** 12/1/2005 4:41:34 PM  
**Subject:** Re: Pond Release Investigation Report

Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under Part 303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working with your colleague Eric

Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting on all pending matters, hopefully the week of December 12th. We look forward to working with you in addressing all compliance concerns in a resonable and timely manner. Thanks for your input. Joe

--- Original Message ---

**From:** "Sy Paulik" <Pauliks@michigan.gov>  
**Sent:** Thu 12/1/05 4:09 pm  
**To:** "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits" <ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>  
**Cc:** "Richard Shoemaker" <SHOEMAKR@michigan.gov>  
**Subject:** Pond Release Investigation Report

Hi Diane,

I just wanted to summarized our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you get that compiled please feel free to sent that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at



an appropriate site, not to contaminate other locations. I believe that the characteristic of this spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD, metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

CC: <SHOEMAKR@michigan.gov>

WRS  
GT Co.

--- Original Message ---

From: "Sy Paulik" <Pauliks@michigan.gov>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits" <ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>

Cc: "Richard Shoemaker" <SHOEMAKR@michigan.gov>

Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarize our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you get that compiled please feel free to send that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at an appropriate site, not to contaminate other locations. I believe that the characteristic of this spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD, metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for



work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

**CC:** Michael Stifler; Richard Shoemaker

WRS  
GT Co.

**From:** Sy Paulik  
**To:** Andy Smits; chris@cherryblossomllc.com; Diane Lundin; Janice Heuer; Joe Quandt; Michael Stifler  
**Date:** 12/1/2005 4:08:36 PM  
**Subject:** Pond Release Investigation Report

Hi Diane,  
I just wanted to summarize our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you get that completed please feel free to send that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at an appropriate site, not to contaminate other locations. I believe that the characteristic of this spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD, metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

**CC:** Richard Shoemaker



Hi Diane,

I just wanted to summarize our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you get that completed please feel free to send that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at an appropriate site, not to contaminate other locations. I believe that the characteristic of this spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD, metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe it is most critical to look at the water and test that to the confining layer.

There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
[pauliks@michigan.gov](mailto:pauliks@michigan.gov)

WRS  
GT Co.

**From:** "Diane Lundin" <dcl@inlandseaseng.com>  
**To:** "Sy Paulik" <PAULIKS@michigan.gov>  
**Date:** 12/1/2005 11:54:27 AM  
**Subject:** FW: Scan from Inland Seas Engineering, Inc.

Sy:  
Here is the figure you requested. I will be calling you in a few minutes.

Sincerely,

Diane Lundin  
Inland Seas Engineering, Inc.



## Exemption 9

WRS  
GT Co.

**From:** "Brian Smith" <Brian@cherryblossomllc.com>  
**To:** "Chris Hubbell" <chris@cherryblossomllc.com>, <pauliks@michigan.gov>, <ajs@inlandseaseng.com>, <HEUERJ@michigan.gov>, <ajsmits@voyager.net>, <jequandt@zimmerman-kuhn.com>  
**Date:** 3/22/04 5:51PM  
**Subject:** Re: Open Cherry Waste Complaint - Recap of Discussion 03-22-04

To: Sy Paulik-Water Division- Cadillac  
re: Review of 03/22/04 Open Cherry Waste Comp  
From: Brian Smith

Please accept the following as a review of the discussion between DEQ(Sy Paulik) Cherry Blossom( Chris Hubbell & Brian Smith) and Richard E. Prince, PE (Rick Prince) regarding the above matter.

- Email opened by CB and responded to DEQ on 03-22-04 approximately 10am
- DEQ informs that Janice Heuer gave this complaint to Sy Paulik stating the following:

I was informed this week that you have an open trailer full of cherry  
> > waste parked in the lot across the street on Angel Road since the fall  
> > of 2003. If this is the case, it is a violation of the stormwater  
> > regulations. Please contact me regarding this complaint. Thanks.  
> > > Sy Paulik  
> > Water Division- Cadillac

-CB responded that yes there was a trailer across the street and that the waste in this trailer contained cherry pits only. These cherry pits are exposed to the elements but completely contained. We were not aware that this would be a a violation in the stormwater reg due to this trailers containment abilities and due to the stormwater control basins that were built and have in place at this secondary lot that would prevent any surface water from flowing into the wet lands. These basins during this inspection were dry with no standing h2o(some snow patches).

- DEQ expressed concerns that rain water or snow melt that comes into contact with the exposed cherry pits could eventually drain out the trailer (water) and contaminate the surface water with elevated BOD levels and could eventually run-off into the wet lands etc.

-DEQ requested that CB immediately inspect the trailer to determine if excess water from this trailer could be leaking, pooling and contaminating the surface ground water.

-CB and REP, PE inspected trailer and could not see any type of ground surface water contamination. CB decided that the trailer would be moved to the main facility site in the event that seepage did occur from this trailer. Our decision took into consideration that this seepage would be controlled by the storm water prevention program established at our main facility. We immediately informed DEQ of our findings and actions.

-DEQ requested that the trailer full of pits be covered until removal from facility to prevent any type of precipitation coming into contact with the cherry pits.

-CB accepted the request and began the process of covering this trailer.



-CB also requested who the complaint originated from.

-CB at this time was not informed of any type of disciplinary action regarding this matter nor was it discussed.

-DEQ inform CB that Janice Heuer(DEQ) was informed about the trailer full of pits by a conference call she was having with Brad and Nola Boals at an earlier date.

If any further information or discussion is needed please do not hesitate to call. I would be please to help in any form or fashion.

Respectfully Submitted,  
Brian Smith  
Director of Operation-CB

----- Original Message -----

From: "Chris Hubbell" <chris@cherryblossomllc.com>  
To: <brian@cherryblossomllc.com>  
Sent: Monday, March 22, 2004 12:01 PM  
Subject: Fw: Open Cherry Waste Complaint

>

> ----- Original Message -----

> From: "Sy Paulik" <pauliks@michigan.gov>  
> To: <chris@cherryblossomllc.com>  
> Cc: <ajs@inlandseaseng.com>; "Janice Heuer" <HEUERJ@michigan.gov>;  
> <ajsmits@voyager.net>  
> Sent: Friday, March 19, 2004 9:13 AM  
> Subject: Open Cherry Waste Complaint

>

>

>> Chris,

>> I was informed this week that you have an open trailer full of cherry  
>> waste parked in the lot across the street on Angel Road since the fall  
>> of 2003. If this is the case, it is a violation of the stormwater  
>> regulations. Please contact me regarding this complaint. Thanks.

>>

>> Sy Paulik

>> Water Division- Cadillac

>> 231-775-3960 x 6267

>> 231-775-1511 fax

>> pauliks@michigan.gov

>>

>

>

WRS  
GTL

**From:** Sy Paulik  
**To:** Andy Smits  
**Date:** 11/21/2005 3:23:29 PM  
**Subject:** Re: Conductivity Survey

Hi Andy, I wanted to let you know what I told Chris Hubbell and respond to your request. We are here to approve or review plans. I recommend that Cherry Blossom, Chris contact a clean up crew as soon as possible who is familiar with the brine clean-up and address the clean up right away to avoid further contamination. I believe we would be looking at CI- and BOD at this point. The longer it takes to do a full clean up the more costly it will be. At this point

I am concerned about drinking water wells and the wetlands. I will be in Tuesday 11/22/2005

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

>>> "Andy Smits" <ajs@inlandseaseng.com> 11/21/2005 12:40 PM >>>

Mike-Joe Quandt called me and mentioned that he had discussions with you and Sy and that you expressed a requirement for some screening via conductivity in areas down the hydraulic grade line from Cherry Blossom.... adjacent to and/or within Petobego?? I wanted to chat and find out more specifically what you are looking for so I can get folks mobilized Please let me know what time you (and your Staff) have open to talk Andrew Smits, P.E.Environmental EngineeringDepartment Manager **Learn more about us at our website: [www.inlandseaseng.com](http://www.inlandseaseng.com)** Thanks ! INLAND SEAS ENGINEERING, INC.1755 Barlow St. (parcel post)P.O. Box 6820 (regular mail)Traverse City, MI 49696-6820 Voice: 231.933.4041Facsimile: 231.933.4393 **CONFIDENTIALITY NOTICE:**This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.



Hi Andy, I wanted to let you know what I told Chris Hubbell and respond to your request. We are here to approve or review plans. I recommend that Cherry Blossom, Chris contact a clean up crew as soon as possible who is familiar with the brine clean-up and

address the clean up right away to avoid further contamination. I believe we would be looking at

Cl- and BOD at this point. The longer it takes to do a full clean up the more costly it will be. At this point

I am concerned about drinking water wells and the wetlands. I will be in Tuesday 11/22/2005

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
[pauliks@michigan.gov](mailto:pauliks@michigan.gov)

>>> "Andy Smits" <[ajs@inlandseaseng.com](mailto:ajs@inlandseaseng.com)> 11/21/2005 12:40 PM >>>



Mike-

Joe Quandt called me and mentioned that he had discussions with you and Sy and that you expressed a requirement for some screening via conductivity in areas down the hydraulic grade line from Cherry Blossom? . adjacent to and/or within Petobego??

I wanted to chat and find out more specifically what you are looking for so I can get folks mobilized

Please let me know what time you (and your Staff) have open to talk

Andrew Smits, P.E.

Environmental Engineering

Department Manager

Learn more about us at our website: [www.inlandseaseng.com](http://www.inlandseaseng.com)

Thanks !

INLAND SEAS ENGINEERING, INC.

1755 Barlow St. (parcel post)

P.O. Box 6820 (regular mail)

Traverse City, MI 49696-6820

Voice: 231.933.4041

Facsimile: 231.933.4393

**CONFIDENTIALITY NOTICE:**

This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.



WKS  
6/1/06

**From:** "Andy Smits" <ajs@inlandseaseng.com>  
**To:** "Michael Stifler" <STIFLERM@michigan.gov>  
**Date:** 11/21/2005 12:40:31 PM  
**Subject:** Conductivity Survey

Mike-

Joe Quandt called me and mentioned that he had discussions with you and Sy and that you expressed a requirement for some screening via conductivity in areas down the hydraulic grade line from Cherry Blossom.... adjacent to and/or within Petobego??

I wanted to chat and find out more specifically what you are looking for so I can get folks mobilized

Please let me know what time you (and your Staff) have open to talk

Andrew Smits, P.E.

Environmental Engineering

Department Manager

Learn more about us at our website: [www.inlandseaseng.com](http://www.inlandseaseng.com)  
<<http://www.inlandseaseng.com>>

Thanks !

INLAND SEAS ENGINEERING, INC.

1755 Barlow St. (parcel post)

P.O. Box 6820 (regular mail)

Traverse City, MI 49696-6820

Voice: 231.933.4041

Facsimile: 231.933.4393

**CONFIDENTIALITY NOTICE:**

This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.

**CC:** "Janice Heuer" <HEUERJ@michigan.gov>, <PAULIKS@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>, "Rob Egan" <rwe@InlandSeasEng.com>





Mike-

Joe Quandt called me and mentioned that he had discussions with you and Sy and that you expressed a requirement for some screening via conductivity in areas down the hydraulic grade line from Cherry Blossom.... adjacent to and/or within Petobego??

I wanted to chat and find out more specifically what you are looking for so I can get folks mobilized

Please let me know what time you (and your Staff) have open to talk



Andrew Smits, P.E.

Environmental Engineering

Department Manager

Learn more about us at our website: [www.inlandseaseng.com](http://www.inlandseaseng.com)

Thanks !

INLAND SEAS ENGINEERING, INC.

1755 Barlow St. (parcel post)

P.O. Box 6820 (regular mail)

Traverse City, MI 49696-6820

Voice: 231.933.4041

Facsimile: 231.933.4393

**CONFIDENTIALITY NOTICE:**

This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.



*Williamsburg Rec  
GT Co.*

**From:** Janice Morris  
**To:** Chansy Vongphasouk  
**Date:** Wed, Oct 18, 2000 2:52 PM  
**Subject:** Re: Williamsburg Recieving & Storage

His application(s) are rather confusing. He filled out two of them. One asking for the C-1c & C-1b classifications. The other asking for an A-1a classification.

Neither application has page three filled out with respect to who his employer is; how low he has worked there; what type of process is there; and it has not been signed by his immediate supervisor (If he owns this company he needs to indicate that). I will fax you a copy of page 3 if you want. The Board met on Monday and set Friday at noon as the date all appeals must be finalized for this year's exam process. So if he amends, I will need it IN HAND by Friday 20th at noon.

FEDEX:  
Janice Morris  
DEQ-EAD-OTU  
333 S Capital, 2nd floor Town Center  
Lansing, MI 48933

Janice J. Morris  
Certification Specialist  
Operator Training Unit  
517 373-4755

>>> Chansy Vongphasouk 10/18 2:34 PM >>>

Jan,

This facility has our permit & Chris Hubbell is the owner. They are required under permit to have an A-1a certified operator.

I'm not sure if their application was filled out correctly. Apparently their application was denied & the reason was less than 6 months operation.

Chris has owned & operated the facility for several years & before that, he worked for Gray & Co at this same facility. Do you have any suggestions to help them with their certification?

Please feel free to contact me @ 231-775-3960x6267

Thanks in advance for your help. Sy

WRS  
GTC

**From:** Rick Rusz  
**To:** jequandt@zimmerman-kuhn.com  
**Date:** 10/1/02 11:53AM  
**Subject:** Williamsburg Receiving and Storage

I have received your letter dated September 20, 2002 regarding your concerns that staff of the Department of Environmental Quality (DEQ) are improperly evaluating nuisance odor conditions under the terms of the Consent Order entered between the DEQ and Williamsburg Receiving and Storage (WRS). To support your concerns, you attached a copy of a letter from staff of the DEQ dated September 5, 2002 that approves the Odor Control Work Plan required by the Consent Order with specified modifications.

Under the terms of the Consent Order, WRS was to have submitted an Odor Control Work Plan for the DEQ's review and approval. In accordance with Paragraph 4.1.b(4) of the Consent Order, in the event that nuisance odor conditions continued to be present after August 31, 2002, WRS was to have implemented the approved Odor Control Work Plan. Paragraph 4.1.b(5) of the Consent Order further requires that WRS shall not emit nuisance odors beyond the property boundary after October 1, 2002. Any nuisance odors occurring after October 1, 2002 are subject to the stipulated penalty provisions of the Consent Order, and must be verified by staff of the DEQ's Air Quality Division.

The DEQ's Cadillac District staff are well aware of the terms of the Consent Order. In their September 5, 2002 letter, staff of the DEQ were merely advising your client that complaints of nuisance odors were continuing to be fielded and that the Odor Control Work Plan must be implemented. Your client should view with utmost concern, the fact that the DEQ has continued to receive complaints of nuisance odors from residents of the area surrounding WRS, and should fully implement the Odor Control Work Plan so the assessment of stipulated penalties can be avoided.

In accordance with 4.1.b.(5), you can be assured that any complaint investigation regarding nuisance odors after October 1, 2002 will be conducted by staff of the DEQ's Air Quality Division (AQD). Furthermore, AQD staff will attempt to notify WRS while investigating future complaints in accordance with the Consent Order.

On another matter, as of Friday, September 27, 2002 our cashier's office has no record of receiving WRS's payment of costs required by the Consent Order. The payment should have been received by September 16, 2002. I would appreciate it if you would check into this and see if the payment was overlooked by WRS.

If you have any further questions, please feel free to call me.

Rick D. Rusz  
Enforcement Unit  
Water Division  
Department of Environmental Quality

Telephone: 517-335-4709  
FAX: 517-373-4797

**CC:** Michael Stifler; Shane Nixon



DRS  
GT Co

**From:** "Mindy Walters" <mdw@InlandSeasEng.com>  
**To:** <pauliks@michigan.gov>  
**Date:** 7/16/03 4:24PM  
**Subject:** Williamsburg Recieving and Storage SWPPP

Dear Ms. Paulik-

Janet Hubbell (Williamsburg Recieving and Storage, LLC) contacted me this afternoon and stated that you had stopped by the site and wanted to know if the requested changes in your Feburary 18, 2003 letter had been addressed.

As your letter did not request a response we have not provided one.

However, in response to your letter Inland Seas Engineering, Inc. penned a letter to Mr. Chris Hubbell to provide action items. All issues that required actions have been addressed, will be addressed through the hydrogeologic investigation, or will be modified during the next SWPPP revision.

Sincerely:

Mindy D. Walters, PE  
Project Manager

INLAND SEAS ENGINEERING, INC.  
P.O. Box 6820  
Traverse City, Michigan 49696-6820  
231.933.4041  
231.933.4393 (fax)

**CC:** "Andy Smits" <ajs@inlandseaseng.com>, "Edgar Roy (E-mail)" <eroy@bfarlaw.com>, "Joe Quandt (E-mail)" <jequandt@zimmerman-kuhn.com>, "LLC Cherry Blossom (E-mail)" <chris@cherryblossomllc.com>, "Richard Banwell (E-mail)" <Rick@cherryblossomllc.com>, "Tom Egan" <tpe@inlandseaseng.com>

WRS  
ETW

**From:** Douglas Thompson  
**To:** Janice Heuer  
**Date:** 12/1/03 3:16PM  
**Subject:** Re: WRS hydro

Janice,

We have not received a copy of the hydrogeologic study. Please send us one of your copies. Thanks.

Sy,

The consent order required the hydrogeo.report to be submitted within 180 days of our approval of the work plan. I approved the work plan in a letter dated May 20, 2003. According to my calculations the due date for the hydrogeo. report was November 16, 2003.

>>> Janice Heuer 12/01/03 02:48PM >>>

Hi. We received two copies of the hydro study report for Williamsburg receiving and storage dated November 28, 2003. Did you get a copy? If not we'll send you one.

**CC:** Sy Paulik



WRS  
GTT Co

**From:** Robert Babcock  
**To:** Janice Heuer; Sy Paulik  
**Date:** 12/1/03 3:06PM  
**Subject:** Williamsburg Receiving and Storage Alternate Secondary Containment

Sy and Janice:

In response to the October 22, 2003 letter, I have the following comments:

1. The Part 5 rules, Spillage of Oil and Polluting Materials, require compliance with secondary containment and all other provisions by August 31, 2003.
2. The facility is also required to comply w/ the Part 5 rules by 8/31/03 as a result of entry of Consent Order 31-07-02.
3. The proposal does not have enough information for review/approval. Apparently the facility and its consultant have put forward widely divergent proposals ranging from moving the brine pits indoors to outdoor dual liner pits with electronic leak detection monitoring.
4. Due to the history of the facility and the materials strength, eg, per cent concentration brines, any unique secondary containment should be approached cautiously and perhaps on an experimental basis.

thanks

Bob

Robert F. Babcock  
Security and Emergency Response Coordinator  
Water Division  
Michigan Department of Environmental Quality  
Constitution Hall, 2nd floor  
525 W. Allegan St.  
P. O. Box 30273  
Lansing, MI 48933-7773  
USA  
voice: 517 373 8566  
fax: 517 335 0889  
email: babcockr@michigan.gov  
Water Division web site: <http://www.michigan.gov/deq/0,1607,7-135-3313---,00.html>  
<<life is not important except for its impact on others' lives>> Jackie Robinson

**CC:** James Janiczek; Jim Cleland; Michael Stifler; Rick Ruzs; Smith, Laura

WRS  
GT Co

**From:** Rick Rusz  
**To:** Sy Paulik  
**Date:** 12/1/03 11:31AM  
**Subject:** Re: WRS

I am back to work part time and will get an answer to you some time this week.

>>> Sy Paulik 11/21/03 04:08PM >>>

Rick,

WRS has submitted a new 2nd containment plan. They met with Mike, Janice and me prior to submitting and presented a new plan. We liked the concept, but the written plan is lacking so much detail that we have agreed to disapprove the plan as rather than approve with modification. There are also some items listed in the last letter they choose not to address. Also I don't believe they have their last payment which was due August 7, 2003. I did send them a letter regarding that. I believe that at this point I can put a letter together to address all these issues, however, I'm not clear as to when stipends would kick in. I spoke with Nicole about this and she suggested that I wait for you to come back. I would like to give them a reply as soon as possible so they can get started on their bench test. A copy of the letter has been sent down to you.

Sy Paulik  
Water Division- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
[pauliks@michigan.gov](mailto:pauliks@michigan.gov)



DRS  
GT Co

**From:** Jim Eggleston  
**To:** Holly Hohman  
**Date:** 11/21/03 12:31PM  
**Subject:** Re: Fwd: Proof of payment

Lori P. found the last payment of \$12,500 was made on 5/20/03. Since this is a settlement MUL3006, Pat may have more info on it when she returns. I hope this helps...

>>> Holly Hohman 11/21/03 11:14AM >>>  
Can you help?

**CC:** Lori Patino

WRS  
LTC

**From:** James Janiczek  
**To:** "ajs@inlandseaseng.com".GWIA.SOM-GWIA01  
**Date:** 11/20/03 3:05PM  
**Subject:** RE: Part 31's Part 5 Rules, R324.2005

Hi, Andy. I spoke with Janice Heuer this afternoon, and I thought I would try and explain our position and let you decide if you still want to meet. As Janice pointed out, the storage of the brine used in cherry processing is regulated under the Part 5 Rules. Those rules do not contain construction specifications for storage structures. The Part 22 rules, which regulate the discharge of treated wastewater, contain a rule which deals with liner specifications. However, Part 22 does not apply to cherry brine storage. We can discuss whether your proposed design might be equivalent to the liner criteria of Rule 2237, the lagoon liner rule. But, unlike the concrete industry situation, we cannot provide you with a letter that says if you use that construction design, you will be in compliance with Part 5. If that's the broad coverage you are looking for, you need to contact Mr. Bob Babcock, who is in charge of the Part 5 program. His number is 517-373-8566. If you still want to meet, we can discuss your proposal relative to Part 22 rules, but that won't carry over to Part 5. The Cadillac district office is unavailable on the 4th, so it would just be me.

James R. Janiczek, Chief  
Permits & Technical Support Unit  
Groundwater Section  
Water Division  
517-373-7262

>>> "Andy Smits" <ajs@inlandseaseng.com> 11/18/03 03:03PM >>>  
Dear Jim:

Joe and I would like to confirm for 10:00 AM on 12-4-03 (Thursday). In speaking with Joe, he indicated that the primary purpose would be to meet with you and those of your Staff that would likely have input on the technical aspects of the conceptual approach we shared with Mike Stifler, Janice Heuer and Sy Paulik regarding Rule 5 compliance approach for in-ground, lined food brining pits.

Our goal is to discuss and address 90+ % of the technical issues so that we can move forward with a Part 5 compliance strategy (significant material and operational cost factors) for food processors/growers that use these pits to brine and store their product.

Joe mentioned he worked similarly with you and your staff on these same technical issues and regulatory approval processes facing his concrete industry clients as counsel for the Michigan Concrete Association. He mentioned his meeting with you and Scott Ross, specifically.

We look forward to a healthy discussion of these matters at our December meeting so that we can begin to move this industry forward (with the maximum certainty possible) to a position of demonstrated compliance with Part 5.

We hope to learn what specific submittals (performance theory, materials of construction, installation and operational practices) will be required to attain Department pre-approval of the concept we have already reviewed with Cadillac WD Operations Staff.

Please include whomever you believe are necessary from Staff to foster progress toward this goal. If you require some advance information, please let me know. Please also let me know when you have made a



determination as to attendees so that visual aids may be prepared for all.

Thanks Jim.

Sincerely,  
Andy Smits  
231.933.4041

-----Original Message-----

From: James Janiczek [<mailto:janiczek@michigan.gov>]  
Sent: Monday, November 17, 2003 4:26 PM  
To: Andy Smits  
Subject: Re: Part 31's Part 5 Rules, R324.2005

Things have been pretty hectic around here, and Joe and I exchanged voice mail for a while, but never connected. How about Thursday, December 4, at 10 am. Should Janice and Mike be involved in that meeting. I'll let you make that decision, and also pick the location.

James R. Janiczek, Chief  
Permits & Technical Support Unit  
Groundwater Section  
Water Division  
517-373-7262

>>> "Andy Smits" <[ajs@inlandseaseng.com](mailto:ajs@inlandseaseng.com)> 11/17/03 03:58PM >>>  
Dear Mr. Janiczek:

You may remember me from various meetings and discussions we've had over the years... most recently we met with Janice Heuer of Cadillac-WD, your staff and the folks from Williamsburg Receiving and Storage and their attorney, Joe Quandt. I provided a wiper board presentation on the WRS Process Schematic and resource recovery ideas. You and I have had some lengthy discussions regarding permitting and monitoring groundwater discharges from coin-operated self serve auto washes..... we both studied one notable location in Leelanau county. You sent me your report for my edification, which I keep in my library, thank you.

Anyway, Mr. Quandt and I have been discussing the subject matter with Janice and Mike Stifler. Mr. Quandt has been trying to contact you to arrange a brief meeting to discuss the concepts a bit further with you.

He's gotten quite tied up in other matters and asked me to forward our request to arrange a meeting with you. I believe you and he may have already spoke of this together, but our objective would be to gain additional insight as to the Departments view regarding the techniques we have suggested for the cherry brining industry's compliance strategy.

I believe Joe mentioned that you thought there may be some other applications/industries that may benefit from a similar approach.

Here are some dates/times that Joe and I have coordinated on our calendars. Would it be possible for you to review these dates and select one that provides an opportunity to meet for an hour or so? If you are unable to respond to this e-mail, I'll call to follow-up. If you do select a day, I'll call/write to confirm our meeting and verify the preferred time and location.

Dates Clear for Messrs. Joe Quandt and Andy Smits

Date	Time
November 26th:	10:30 to noon
December 4th	Anytime
December 9th	Anytime, midmorning preferred
December 10th to 19th	Anytime

I look forward to hearing from you...and to our next meeting.

Respectfully,

Andrew Smits, P.E.  
Environmental Engineering  
Department Manager

INLAND SEAS ENGINEERING, INC.  
1755 Barlow St. (parcel post)  
P.O. Box 6820 (regular mail)  
Traverse City, MI 49696-6820  
Voice: 231.933.4041  
Facsimile: 231.933.4393

**CONFIDENTIALITY NOTICE:**

This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender.

This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.

Please note my new email address [ajs@inlandseaseng.com](mailto:ajs@inlandseaseng.com) . Please update your address book. Thanks !



**CC:** Heuer, Janice

**From:** "Andy Smits" <ajs@inlandseaseng.com>  
**To:** "James Janiczek" <JANICZEJ@michigan.gov>  
**Date:** 7/14/2005 6:03:31 PM  
**Subject:** RE: Cherry Tote-Cherry Transfer Water

Thanks for the response Jim.... I'm still working on the issue. My recollection of the meeting we attended is generally in concert with yours.... for further clarification related to my query on your voicemail today...

I am referring to a wastewater stream that was once discharged under an NPDES permit, which was not renewed (as there was no harvest in 2003, there was no discharge, a sub-par harvest in 2004 resulted in a low volume discharge... stipulated penalties were involved).

The water budget and chemistry for this wastewater is not identified on the original R2218 permit application and was not discussed (specifically) at our meeting. My understanding (perhaps incorrect) from a discussion with Mike Stifler yesterday was that he and you have discussed recently the potential for modifying the permit to incorporate this wastewater.... so that this years harvest-generated wastewater fell under A PERMIT whether a minor modification of the R2218 Permit or a R2211 PBR with 2212 Notice. I was seeking clarification as to which process would result in more expeditious processing, not knowing exactly how your Section's priorities are determined.

This wastewater is generated from a water well source at farms where harvest occurs. Typically cooling pads on farms contain and cool harvested cherries until the totes are loaded on trucks and sent to the plant for brining. The volume of wastewater is directly proportional to harvest = plant brining pit volume and the chemistry (while not analyzed for this plant) should be very similar to the characterizations I've done before for Smeltzer Orchard Company's cooling pad wastewater (Benzie county R2218 permit) or for Peninsula Fruit Exchange's wastewater, or cooling pad water from any other sweet/tart cherry staging/processing facility. I will look into the NPDES DMRs for this facility to see if I can get a good handle on the chemistry determined for this stream under the former Permit.

My initial thoughts were that the source water and waste water quality would fit within the requirement of R2211(d) for fruit/vegetable wash water and equally well under the characterization parameters submitted with the R2218 Permit application.... if I could substantiate this for your office, then you could perhaps determine that it was a minor modification and we could discharge it in accordance with the existing Permit (as modified). If this could be done short term.... then another Permit modification request could be submitted in the next 30 days to address THE ISSUE (as my memory serves me from our meeting) of a more comprehensive permit modification petition dealing with CHERRY FINISHING OPERATIONS, which is the plant process added after 2218 Permit issuance and which has lead to R2218 Permit violations, etc...

Jim, in summary.... my thoughts were to address what I thought was a minor matter pretty much unrelated to our meeting so that the 2005 harvest (underway) could occur with the former NPDES stream handled under a minor modification ... instead of containing it until the



larger, comprehensive permit modification petition is complete.

I'm burning the midnight oil on this coincident with harvest and would appreciate it if I could determine from you if my ideas are "all wet" (pun intended).... I am trying to understand your work load and whether my understanding of Part 22 Rules [2211(d)] and permit modification procedures jives with yours. I don't want to waste your time or anyone else's. If this will not work, please let me know of your objections. I DO understand that the comprehensive permit modification request that deals with de-brining and finishing cherry processes requires considerable review and substantiation.

Please let me know what you think as soon as you have time.... I'll be working on this file late tonight and part of tomorrow...

Thanks again for your response... I'm sorry we couldn't link up today by phone. If you're at it late, please feel free to call me on my cell...  
231.218.0987

Andy

-----Original Message-----

From: James Janiczek [mailto:JANICZEJ@michigan.gov]  
Sent: Thursday, July 14, 2005 5:21 PM  
To: Andy Smits; Michael Stifler; Joe Quandt  
Cc: Brian Smith; chris@cherryblossomllc.com; Diane Lundin; Rick Ruz  
Subject: Re: Cherry Tote-Cherry Transfer Water

Andy,

I was under the impression that when we met with Deputy Director Pruss and WB Chief Rich Powers that it was decided that Cherry Blossom would apply for a modification of their current permit. To date, I'm not aware that we have received any information describing how the proposed modification will ensure that the terms of Rule 2204 will be met. If this is a different wastewater source than what was discussed at that meeting, I'm still inclined to recommend a formal request for modification with supporting documentaion to demonstrate the discharge will be in compliance with Part 31 and the Part 22 rules.

>>> "Andy Smits" <ajs@inlandseaseng.com> 7/14/2005 10:56 AM >>>

FYI-

I left a voice mail with Jim this AM and will continue to try and reach him throughout the day.....

I sought direction from him as to the most expeditious method for review/approval for proper administration of the subject wastewater originating from cherry harvesting...

This is the water that is from a farm water well source that is used to

cool/convey sweet cherries from the farm to the plant where they are transferred to brining pits.

Two options are identified as feasible from my review of the regs (I defer to Jim, of course for his interpretation):

Option #1. a simple permit modification requests pursuant to Part 31's Part 21/22 Rules and:

22118(3)(d) A discharger who proposes to modify the quantity or effluent characteristics of a discharge shall notify the department of the proposed modification before it occurs. If the department determines the proposed modification is minor based on the quantity or quality of the discharge, then the department may modify the permit as requested and include new terms or conditions that may be necessary to ensure that the terms of R 323.2204 are met. If the department determines that the proposed modification is significant based on the quantity or quality of the discharge, then the discharger shall submit an application for reissuance under the terms of subdivision (b) of this rule.

Option #2 Permitted discharge by Rule R2211(d) with notice under R2212 using DEQ's appropriate EQP form

R 323.2211 Permit by rule; notification.

Rule 2211. A person may discharge any of the following if the requirements

of R 323.2204 and R 323.2212 are met:

(d) Less than 50,000 gallons per day of fruit and vegetable washwater if

the following provisions are met, if applicable:

(i) The source of the water is any of the following:

(A) A municipal water supply.

(B) A water supply meeting state or federal criteria for use as potable

water.

(C) Another source of water meeting the standards of R 323.2222.

(D) Another source of water approved by the department as meeting the



conditions of R 323.2204.

Under either Option....

The practical way to deal with an estimated annual 700,000 gallons of tote water received over a period of two to four weeks is to mix it with any necessary dilution water and PERMITTED plant effluent and irrigate it within the confines of the 2218 permit requirements and associated IMP. Currently TIN and Total P are likely the only 2218 Permit effluent limitations that may require characterization.... BOD would be recommended for evaluation to ensure that R2204 issues are addressed and Part 55 compliance is supported.

Hopefully, this communication serves to elaborate upon my voicemail to Jim and apprise all of our on-going efforts. I welcome any productive comments or questions you may have.

Andrew Smits, P.E.

Environmental Engineering

Department Manager

Learn more about us at our website: [www.inlandseaseng.com](http://www.inlandseaseng.com)  
<<http://www.inlandseaseng.com>>

Thanks !

INLAND SEAS ENGINEERING, INC.

1755 Barlow St. (parcel post)

P.O. Box 6820 (regular mail)

Traverse City, MI 49696-6820

Voice: 231.933.4041

Facsimile: 231.933.4393

**CONFIDENTIALITY NOTICE:**

This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.

**CC:** "Brian Smith" <Brian@cherryblossomllc.com>, <chris@cherryblossomllc.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Rick Ruz" <RUSZR@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>



**From:** Janis Denman  
**To:** Michael Stifler  
**Date:** 7/1/2005 2:29:20 PM  
**Subject:** Williamsburg Receiving & Storage

AQD Staff has been responding to odor complaints from citizens living in the vicinity of Williamsburg Receiving & Storage for the past several years, since the entry of the consent order between Water Bureau and the company.

Under Section IV. Compliance Program in the order, item 4.1 b.(5) states: **Any nuisance odor verified by the DEQ's Air Quality Division beyond WRS's property line after October 1, 2002, shall subject WRS to stipulated penalties.**

Complaints have been occasional, and AQD staff have not determined the existence of a nuisance odor beyond the property lines through May, 2005.

However, during the month of June, 46 odor complaints were logged by AQD, and were followed up with site inspections by AQD staff.

Many different complainants called, and a common complaint was being woken from sleep during the night by the odor. Several complainants stated that they were forced to close up their homes despite the record heat and humidity to attempt to avoid the odors.

Site inspections by AQD staff (sometimes accompanied by WB staff) included experiencing very strong and objectionable odors on site from the lagoon. These were described as a "sewer like" odor. The odors were strong enough to cause a person to attempt to avoid them completely (level 4 on the AQD odor scale).

Daytime odor surveys did not turn up odors of a level 4. Most odors were experienced by the residents during the cooling of the evening hours after very hot daytime conditions. As the air outside cools, it is drawn into the warm homes and brings the strong odors from the lagoon. During the evening hours, any wind will also generally calm, allowing the odors to concentrate further. During the day, the odors would not have a chance to concentrate if there is even a light breeze.

In addition, the area of exposure to the odors, based on the complaints received in June, show that the strong odors are traveling further from the plant. We received several odor complaints from residents on Elk Lake Road, which is located approximately one mile from the plant.

In summary, based on the descriptions in the complaints received and the drastic actions taken to avoid smelling the odors by the residents, the distance from the facility that strong odors are being experienced and staff's first hand experience of the lagoon odors, it is AQD's professional opinion that the citizens in the area are experiencing nuisance odors (very strong nuisance odors) from WRS's lagoon.

I am also providing you with some lists of the complaints that AQD has received from this facility over the past four years. Please contact me if you have any questions or need any additional information from AQD.

Janis Denman  
Air Quality Division  
Cadillac District Supervisor  
e-mail [denmanj@michigan.gov](mailto:denmanj@michigan.gov)  
phone:  
231-775-3960, ext. 6250 (Cadillac)  
989-705-3408 (Gaylord)  
fax:  
231-775-4050 (Cadillac)





## Exemption 6





## Exemption 6





## Exemption 6

**From:** Janice Heuer  
**To:**  
**CC:** Sy Paulik  
**Date:** Wednesday, December 14, 2005 2:47 PM  
**Subject:** wastewater generation rates

I did some calculations of wastewater quantities for WRS. Based on the August 4 submittal by WRS, Inland Seas measured wastewater quantities that flowed through the hydroseive and presented it to us. The average wastewater generated for the period from 8/8 through 8/30 was 9,864 gallons per day. Smit's estimated that 18,000 gallons per day of "lean" (low cl) water would be generated according to the submittal.

Using the lower number, from July 1- October 31 the plant would have generated 1,213,272 gallons of wastewater.

I have waste manifests for four loads of water hauled from the site during July and August. While I believe it was mostly "high strength" wastewater that was hauled (not the same water calculated above), if I subtract this water, plus allow for the facility to store three 90,000 gallon tanks plus 18 brine pits worth of water, I calculate that 493,272 gallons of water is unaccounted for.

This calculation is extremely conservative because I believe that much brine pit storage was water that was used to haul the cherries from the farms. I observed this during my July visits.

Data submitted in June shows that chloride in the lagoon went from about 600 in 2003 up to 673 in June, 2005. Then it suddenly jumps up to 1013 in September 2005. This sudden jump in chloride cannot be accounted for through precipitation or mixing as precipitation concentration of cl is almost nil and the ponds were mixed through June 2005. I can only conclude that some of the half million gallons of chloride waste may have made its way into the lagoon.

Janice Heuer  
Senior Environmental Engineer  
Water Bureau  
Cadillac District office  
231-775-3960 ext. 6203  
[heuerj@michigan.gov](mailto:heuerj@michigan.gov)

**From:** Michael Stifler  
**To:** Denman, Janis  
**Date:** 6/29/05 11:01AM  
**Subject:** Re: Fwd: SEN ALLEN - Williamsburg Storage - LEG 332

Williamsburg  
Rec + Sto  
G-T, Co

I returned the call to Joe, of Sen. Allen's office, earlier this morning. Sen. Allen's office has received several calls regarding odors emanating from Williamsburg Receiving and Storage (Cherry Blossom LLC), near Traverse City. Constituents have expressed concern to their office that the DEQ might not be pursuing the odor enforcement issues in a timely and adequate manner.

He knows that the Department has an ACO with the company, and that the ACO contains a nuisance odor provision linked to stipulated penalties.

I told Joe that both AQD and WB were actively working on this. He is aware that AQD staff have been on site repeatedly. I explained that WB was pursuing operational changes through provisions in the order-improved odor control plan, lagoon emptying, wastewater handling and a few other issues. I told him I have been in contact with the owner, the owner's attorney and their technical consultants. I indicated our first concern was odor abatement and then we would continue to pursue the wastewater handling issues. I also told him we were determining appropriate enforcement options under the order. WB will be in attendance at a July 19 township meeting to discuss the WRS issues.

Joe will report to Sen. Allen that the DEQ is actively working on this. I expect, from his comments, that the senator's office will communicate to the constituents the same message.

>>> Janis Denman 06/29/05 8:58 AM >>>

Here are the notes... the first is from my division chief's secretary and the second is the actual request. In Jane's note, the people to be sent the e-mail summary are:

Vinson Hellwig (division chief)

Dennis Armbruster (ass't division chief)

Jerry Avery (my boss)

Jane Permoda (Vince & Dennis' secretary)

(and of course, Carol Linteau)

Let me know if you have any questions that I can help you with, get in touch. Thanks again!!

Michael Stifler  
MDEQ Cadillac District Office  
Water Bureau  
1-231-775-3960 ext 6260  
Fax: 1-231-775-1511  
stiflerm@michigan.gov

**CC:** Armbruster, Dennis; Avery, Gerald; Baldwin, Frank; Hanifan, Mary Ann; Hellwig, Vinson; Heuer, Janice; Linteau, Carol; Monosmith, Carrie; Permoda, Jane; Powers, Richard; Rusz, Rick; Selden, Barry



## Candy Grigsby

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 11:41 AM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: Rule 323.2005(2) Technical Issues (Part 5 Rules)

### Exemption 6

-----Original Message-----

**From:** Andy Smits  
**Sent:** Tuesday, November 25, 2003 3:08 PM  
**To:** 'STIFLERM@michigan.gov'; 'HEUERJ@michigan.gov'; 'Sy Paulik'  
**Cc:** 'BABCOCKR@michigan.gov'; 'James Janiczek'; 'Joseph Quandt (Joe Quandt)'; 'Charlie Kalbfleisch'  
**Subject:** Rule 323.2005(2) Technical Issues (Part 5 Rules)

Hello Mike, Janice and Sy:

I just had an interesting discussion with Bob Babcock regarding the cherry processing industry's options for compliance with Rule 323.2005.

As you may know, I've been trying to determine if we can get some type of generic Department approval for a double line earthen pit system for the entire industry. The global approval sought, or pre-approval if you will is sought specifically as it relates to Rule R 324.2005(2) for technical compliance with the generic requirements set forth in this sub-rule. This is similar, as I understand it, to the approach Messrs. Janiczek and Quandt worked through for wastewater containment lagoons employed throughout Michigan by Michigan Concrete Association members.

The thought is to identify the capital and operational cost factors that the industry needs to be looking at on a pit-by-pit basis to comply solely with R 323.2005(2) if they are to continue with earthen pits (industry-wide or corporation-wide upgrades). I understand the Department's position (as Bob clearly outlined it) that there exist other requirements within Part 5, even within 323.2005 that must be handled on a site-specific basis. I do however believe that the nearly universal use of these PVC-lined pits allows the Department to review compliance with R 323.2005(2) on a generic basis.

The conceptual double lined system is essentially similar to the approach we discussed in Cadillac (WRS site), though refinements have been made as this concept evolves through our improvements in materials and in surveillance techniques. Compliance is to be demonstrated from a combination of construction and operating practices as well as monitoring technologies/surveillance techniques....all specifically designed to meet R 323.2005(2) generic requirements.... Leaving other aspects/rules within Part 5 to be addressed on a site-specific basis.

Bob indicated that this industry/application is new to him and that he prefers to have Operations staff present to bolster Department-wide understanding and support brain-storming/decision-making. He mentioned that he also favors industry involvement/endorsement of such a generally accepted practice/approach that I tried to discuss with him. With this in mind and with the Michigan Food Processor's Association Annual Convention coming up in early December, I believe significant movement toward compliance with Part 5 can be realized on an industry-wide basis if we can get some inertia developed. I have been an MFPA member for years and look forward to discussing this with Terry Morrison (Executive Director) before the December convention.

Please let me know if/when we can get Cadillac Staff to meet with Mr. Babcock and perhaps Mr. Janiczek (Liner Guru). Messrs. Babcock and Janiczek have indicated a willingness to travel to Cadillac, so I think the venue is open and flexible. I am willing to meet anywhere in the State to get this process started. I am prepared to have a prototype model available for a demonstration of surveillance methods, liner materials and construction.

1/26/2004



## Candy Grigsby

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 11:43 AM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: Meeting on December 4th

Exemption 6

-----Original Message-----

**From:** Andy Smits  
**Sent:** Tuesday, November 25, 2003 3:16 PM  
**To:** 'James Janiczek'; 'Joseph Quandt (Joe Quandt)'  
**Subject:** Meeting on December 4th

Dear Jim, Joe:

You should receive soon an e-mail that I sent to Mike Stifler and his crew. I talked with Bob Babcock this afternoon and he is not willing to meet without some representative of Cadillac WD Operations present. It doesn't make sense to me to take time from your calendar Jim, if we don't have some idea that the process will be as efficient as we can make it. I value your input (as I'm sure your colleagues do) and would hope that you could be available for an alternate date that has yet to be coordinated.

**Please postpone our planned meeting of December 4<sup>th</sup> at 10:00** indefinitely and let me know when you may be available after you have seen Bob's schedule limitations from the preceding e-mail. I envision Mike would decide who will attend from Operations and then they and others will get back to me on their limitations, so that a date/time/venue may be selected to the satisfaction of most/all.

Thanks again Jim,

Andy

**Please note my new email address [ajs@inlandseaseng.com](mailto:ajs@inlandseaseng.com) . Please update your address book. Thanks !**



Andrew Smits, P.E.  
Environmental Engineering  
Department Manager

INLAND SEAS ENGINEERING, INC.  
1755 Barlow St. (parcel post)  
P.O. Box 6820 (regular mail)  
Traverse City, MI 49696-6820  
Voice: 231.933.4041  
Facsimile: 231.933.4393

### **CONFIDENTIALITY NOTICE:**

This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender.

1/26/2004

**Candy Grigsby**

---

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 11:54 AM  
**To:** Candy Grigsby  
**Cc:** Joe Quandt  
**Subject:** FW: Meeting on December 4th

**Exemption 6**

-----Original Message-----

From: James Janiczek [mailto:janiczek@michigan.gov]  
Sent: Tuesday, November 25, 2003 4:42 PM  
To: Andy Smits  
Subject: Re: Meeting on December 4th

Andy,  
That's fine with me. I had asked Janice to attend the meeting on the 4th, but the entire office is in Gaylord for a meeting with Director Chester. I'm working up to the 23rd of December, am not currently available on the 11th or 18th. We are in the middle of a major database project, so I would suggest looking at two dates minimum for coordinating the meeting and I'll do my best to attend.

>>> "Andy Smits" <ajs@inlandseaseng.com> 11/25/03 03:15PM >>>  
Dear Jim, Joe:

You should receive soon an e-mail that I sent to Mike Stifler and his crew. I talked with Bob Babcock this afternoon and he is not willing to meet without some representative of Cadillac WD Operations present. It doesn't make sense to me to take time from your calendar Jim, if we don't have some idea that the process will be as efficient as we can make it. I value your input (as I'm sure your colleagues do) and would hope that you could be available for an alternate date that has yet to be coordinated.

Please postpone our planned meeting of December 4th at 10:00 indefinitely and let me know when you may be available after you have seen Bob's schedule limitations from the preceding e-mail. I envision Mike would decide who will attend from Operations and then they and others will get back to me on their limitations, so that a date/time/venue may be selected to the satisfaction of most/all.

Thanks again Jim,

Andy

Please note my new email address ajs@inlandseaseng.com . Please update your address book. Thanks !

1/26/2004



## Candy Grigsby

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 11:57 AM  
**To:** Candy Grigsby  
**Cc:** Joe Quandt  
**Subject:** FW: Rule 323.2005(2) Technical Issues (Part 5 Rules)

### Exemption 6

-----Original Message-----

**From:** Andy Smits  
**Sent:** Wednesday, November 26, 2003 9:53 AM  
**To:** 'STIFLERM@michigan.gov'; 'HEUERJ@michigan.gov'; 'pauliks@michigan.gov'  
**Cc:** 'Joseph Quandt (Joe Quandt)'; 'Charlie Kalbfleisch'  
**Subject:** FW: Rule 323.2005(2) Technical Issues (Part 5 Rules)

Esteemed Environmental Professionals:

I received a response from Jim Janiczek. He is unavailable on 12-11 and 12-18.....the revised options are presented immediately below with Mr. Janiczek's limitations included. I've thrown one or two of my own limitations as well. These are in italic.

Mr. Babcock, **Mr. Janiczek** and *Andy Smits* indicated the following as ~~his~~ their only limitations for meetings.

Please defer from all Fridays

Thursday 12-4-03:	Afternoon only
Wednesday 12-10-03	Not Available
<b>Thursday 12-11-03</b>	<b>Not Available</b>
<i>Monday 12-15-03</i>	<i>Late Morning if Cadillac or Afternoon Only if Lansing</i>
Tuesday 12-16-03	Afternoon Only
<b>Thursday 12-18-03</b>	<b>Not Available</b>
Wednesday 12-17-03	Not Available: 11 am to 2 pm
<i>Monday 12-22-03</i>	<i>Not Available</i>
<i>Tuesday 12-13-03</i>	<i>Not Available</i>

Please let me know if we can meet with you and what dates/preferences you may have.

Thanks,  
Andy

-----Original Message-----

**From:** Andy Smits  
**Sent:** Tuesday, November 25, 2003 3:08 PM  
**To:** 'STIFLERM@michigan.gov'; 'HEUERJ@michigan.gov'; 'Sy Paulik'  
**Cc:** 'BABCOCKR@michigan.gov'; 'James Janiczek'; 'Joseph Quandt (Joe Quandt)'; 'Charlie Kalbfleisch'  
**Subject:** Rule 323.2005(2) Technical Issues (Part 5 Rules)

Hello Mike, Janice and Sy:

I just had an interesting discussion with Bob Babcock regarding the cherry processing industry's options for compliance with Rule 323.2005.

**Candy Grigsby**

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 12:13 PM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: Meeting w/ MDEQ

**Exemption 6**

-----Original Message-----

**From:** Andy Smits  
**Sent:** Tuesday, December 09, 2003 3:58 PM  
**To:** 'Joseph Quandt'  
**Subject:** RE: Meeting w/ MDEQ

Sorry to hear of your schedule complications...yet pleased to understand your trust in my leadership with this matter. I think it best to get progress at the earliest opportunity. Will push (diplomatically) for DEQ's commitment for meeting and for an endorsement letter related to technology and subrule 2005(2).

Andy

-----Original Message-----

**From:** Joseph Quandt [mailto:jequandt@zimmerman-kuhn.com]  
**Sent:** Tuesday, December 09, 2003 3:57 PM  
**To:** Andy Smits; Charlie Kalbfleisch  
**Subject:** Re: Meeting w/ MDEQ

Since the last round of emails I am no longer available on the 15th, 16th, 17th and possibly the 18th. The 15th is a remote possibility but I would not count on it. If you can get a date for the meeting, do it anyway without me if necessary. Sorry. Joe.

----- Original Message -----

**From:** Andy Smits  
**To:** Joseph Quandt (Joe Quandt) ; Charlie Kalbfleisch  
**Sent:** Tuesday, December 09, 2003 2:07 PM  
**Subject:** Meeting w/ MDEQ

I just placed a call to Mike Stifler and asked him to commit himself and/or his staff to meet with us in Cadillac on Monday, Wednesday or Thursday (anytime) or Tuesday afternoon next week. the purpose of the meeting is to demonstrate the prototype and address any issues specific to Rule R 2005(2).

For your reference:

R 324.2005 Secondary containment.

Rule 5. (1) Except as may be authorized under subrule (5) of this rule, not later than 24 months after the effective date of these rules, any on-land facility that has any outdoor storage areas used to store liquid polluting materials in excess of a threshold management quantity shall provide secondary containment structures for those outdoor storage areas as required in subrule (2) of this rule.

(2) Secondary containment structures for liquids shall comply with all of the following provisions:

(a) Be constructed of materials that are compatible with, and impervious to, or otherwise capable of containing, any spilled, leaked, or discharged polluting materials so that the materials can be recovered

## Candy Grigsby

---

**From:** Michael Stifler [stiflerm@michigan.gov]  
**Sent:** Monday, December 15, 2003 2:24 PM  
**To:** ajs@inlandseaseng.org  
**Cc:** Robert Babcock; Janice Heuer  
**Subject:** Part 5

I spoke with Bob Babcock regarding your desire to meet. Please forward a note to Mr. Babcock with details about how you would like to proceed. He will have the lead on any statewide decision that would be made. Cadillac staff will participate at his invitation. Thanks.

Michael Stifler  
Cadillac District Office  
Water Division  
1-231-775-3960 ext 6260  
Fax: 1-231-775-1511  
stiflerm@michigan.gov



## Candy Grigsby

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 12:24 PM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: Meeting w/ MDEQ

**Exemption 6 applies to  
pages 114-117, 119,  
121-122, 126-129, 132**

-----Original Message-----

**From:** Andy Smits  
**Sent:** Wednesday, December 17, 2003 3:26 PM  
**To:** 'Joseph Quandt (Joe Quandt)'; 'Charlie Kalbfleisch'  
**Subject:** Meeting w/ MDEQ

I talked with Bob Babcock the Guru for the State program which our mousetrap is designed to satisfy.

Bob is going to ask his boss, Richard Powers for permission to gather a task group to listen to our presentation and rule on its potential for satisfaction with respect to Part 5 Rule 2005(2)..... whether the technology, construction and operation meet the requirements as MDEQ interpret them.

Bob expects that he will be authorized to pull together someone from Jim Janiczek's group, and one Field Operations staffer from Cadillac and Grand Rapids. He will try for the week between the holidays, but we both expect that it will be after January 1<sup>st</sup>.

FYI,  
Andy

Please note my new email address [ajs@inlandseaseng.com](mailto:ajs@inlandseaseng.com) . Please update your address book. Thanks !



Andrew Smits, P.E.  
Environmental Engineering  
Department Manager

INLAND SEAS ENGINEERING, INC.  
1755 Barlow St. (parcel post)  
P.O. Box 6820 (regular mail)  
Traverse City, MI 49696-6820  
Voice: 231.933.4041  
Facsimile: 231.933.4393

### **CONFIDENTIALITY NOTICE:**

This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.

**Candy Grigsby**

---

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 12:28 PM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: requesting approval for a Part 5 rules food brining wasteswork group

-----Original Message-----

From: Richard Powers [mailto:powersra@michigan.gov]  
Sent: Wednesday, December 17, 2003 4:26 PM  
To: Robert Babcock  
Cc: Jim Cleland; Peter Ostlund  
Subject: Re: requesting approval for a Part 5 rules food brining wasteswork group

Sounds like a good idea. Please proceed.

Richard A. Powers  
Chief, Water Division  
517-335-4176

>>> Robert Babcock 12/17/03 03:40PM >>>  
Rich

I'm getting requests from Andy Smits as a follow-up to the Rep Walker Williamsburg Storage and Receiving meeting to set up a Part 5 Rules guidance development work group to draft guidance for brining pits containment for the food brining industry in general.

In approving this work effort, with your approval, it probably should involve a person from the Cadillac and Kalamazoo districts, someone from the groundwater unit, a consultant [ Smits] and a food processing trade group representative, and maybe Judy Schafer from ESSD. I would envision this effort to be akin to the Part 5 rules railcar guidance development effort - a few meetings and draft document reviews.

Upon your approval, I will proceed as directed.

Thanks

Bob

Robert F. Babcock  
Security and Emergency Response Coordinator  
Water Division  
Michigan Department of Environmental Quality  
Constitution Hall, 2nd floor  
525 W. Allegan St.  
P. O. Box 30273  
Lansing, MI 48933-7773  
USA  
voice: 517 373 8566  
fax: 517 335 0889



## Candy Grigsby

---

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 12:27 PM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: Re: requesting approval for a Part 5 rules food briningwastes work group

-----Original Message-----

**From:** Robert Babcock [mailto:babcockr@michigan.gov]  
**Sent:** Tuesday, December 30, 2003 2:47 PM  
**To:** Gregory Danneffel; Michael Stifler  
**Cc:** Andy Smits; Jim Cleland; James Janesak; Judy Schaefer; V. Wesley Sherman; Laura Smith  
**Subject:** Fwd: Re: requesting approval for a Part 5 rules food briningwastes work group

happy new year to you all:

Subject: food brine wastes work group

I am forwarding the Water Division Chief approval for convening an ad hoc food brine wastes work group for developing guidance to assist the food brine wastes facilities in Michigan comply with the Part 5 rules [Spillage of oil and polluting materials].

As background, I will be forwarding a few email from Andy Smits from Inland Seas Engineers on this matter.

As I would envision this effort, it would involve a person from the Cadillac and Kalamazoo district offices [designees determined by the WD district supervisor], myself, Mr. Smits as outside engineer, a person from the WD groundwater unit, a person from the Wastes Hazardous Materials Division who is the landfill liner expert - Mr. Wes Sherman, and perhaps a food trade group representative. Judy Schaefer of ESSD may want to be a part of this group due to her experience in implementing the Part 5 rules.

I would like to hear back from you as to you or your designees' participation in this work group. Although I do not know of all of the issues involved, a similar work group, rail tank cars guidance, involved a few meetings in Lansing and perhaps 6 document reviews. Once we know who would like to be involved, then Laura Smith, WD Assistant Division Chief secretary will set up our first meeting in Lansing. Due to a number of staff being at Constitution Hall, its probably more usefull to hold the meetings in Lansing.

Thanks and have a super day.

Bob

1/26/2004

**Candy Grigsby**

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 12:30 PM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: Re: requesting approval for a Part 5 rules food briningwastes work group

-----Original Message-----

**From:** Andy Smits  
**Sent:** Tuesday, December 30, 2003 5:40 PM  
**To:** 'Robert Babcock'  
**Subject:** RE: Re: requesting approval for a Part 5 rules food briningwastes work group

Dear Bob:

Thank you for moving forward with the coordinating effort. I'm not sure if you recall our last discussion, so please allow me to reiterate and clarify my request for a meeting with you and other appropriate MDEQ staff.

I have developed a secondary containment system that I believe will meet Part 5 Rules- rule R 323.2005 (2) technical requirements anywhere it is deployed in the State. The system is composed of equipment, installation practices and operational procedures. It will likely double or triple the current cost of in-ground lined pits used for cherry brining.

Before I can convince anyone in the industry to invest in this technique as a component of their holistic approach to Part 5 compliance- the compliant organization will want to know that the system has been sanctioned by MDEQ as meeting the R323.2005(2)technical requirements (if properly installed and operated). My goal is to demonstrate the system to MDEQ so that they might agree with my assertion that the system meets the R323.2005(2) technical requirements. I have a fully functional model that can be transported to a meeting for the purposes of demonstrating the technology, materials, installation and operational practices.

I also desire to understand MDEQ's position on the proposed system so that I can rationalize further investment (both economic and intellectual) in the system's components. I fully expect that the MDEQ staff's aggregate experience and wisdom will provide for suggestions leading to additional improvement in the concept.

I hope to achieve these goals without disclosing intellectual property in a manner that deprives me of my intellectual property rights.....that is to say, my goal would be to afford myself the protections under law for maintaining confidentiality for what I consider innovative technology. I understand that the presence of industry representative(s) at such a meeting would not protect the confidentiality of the system I've developed.

Please understand that I would be pleased (honored) to work with the industry and MDEQ in developing guidance for GLOBAL Part 5 compliance issues, however at this time *my request for a meeting is solely to*



*obtain MDEQ review of a system to comply only with the R 323.2005(2) technical requirements*, not broader Part 5 compliance issues.

I hope I have not mistaken your e-mail, but your suggestion for inclusion of non-MDEQ staff and the goal of developing guidance for the industry similar to that posted on the web for tank cars suggested to me that I have been ineffective at conveying my specific desires for review of a very small fraction of Part 5 compliance matters (R 323.2005(2) technical requirements).

Please let me know if I am mistaken.

I look forward to hearing back from you. If I don't hear from you tomorrow, then I hope you have a very Happy New Year.

Sincerely,

Andy Smits

-----Original Message-----

From: Robert Babcock [mailto:babcockr@michigan.gov]

Sent: Tuesday, December 30, 2003 2:47 PM

To: Gregory Danneffel; Michael Stifler

Cc: Andy Smits; Jim Cleland; James Janesak; Judy Schaefer; V. Wesley Sherman; Laura Smith

Subject: Fwd: Re: requesting approval for a Part 5 rules food briningwastes work group

happy new year to you all:

Subject: food brine wastes work group

I am forwarding the Water Division Chief approval for convening an ad hoc food brine wastes work group for developing guidance to assist the food brine wastes facilities in Michigan comply with the Part 5 rules [Spillage of oil and polluting materials].

As background, I will be forwarding a few email from Andy Smits from Inland Seas Engineers on this matter.

As I would envision this effort, it would involve a person from the Cadillac and Kalamazoo district offices [designees determined by the WD district supervisor], myself, Mr. Smits as outside engineer, a person from the WD groundwater unit, a person from the Wastes Hazardous Materials Division who is the landfill liner expert - Mr. Wes Sherman, and perhaps a food trade group representative. Judy Schaefer of ESSD may want to be a part of this group due to her experience in implementing the Part 5 rules.

I would like to hear back from you as to you or your designees' participation in this work group. Although I do not know of all of the issues involved, a similar work group, rail tank cars guidance, involved a few meetings in Lansing and perhaps 6 document reviews. Once we know who would like to be involved, then Laura Smith, WD Assistant Division Chief secretary will set up our first meeting in Lansing. Due to a number of staff being at Constitution Hall, its probably more usefull to



**Candy Grigsby**

---

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 12:36 PM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: RE: Re: requesting approval for a Part 5 rules foodbriningwastes work group

[REDACTED]

-----Original Message-----

**From:** Robert Babcock [mailto:babcockr@michigan.gov]  
**Sent:** Monday, January 12, 2004 4:23 PM  
**To:** Gregory Danneffel; Michael Stifler  
**Cc:** Andy Smits; Jim Cleland; James Janesak; V. Wesley Sherman; Laura Smith; Dave Timm  
**Subject:** Fwd: RE: Re: requesting approval for a Part 5 rules foodbriningwastes work group

further fyi on food brine workgroup

also, it would be useful to hear from ea of you about your willingness to particiapate in this endeavor...eg, Greg, presume from your earlier email that your district would not participate on this...would be good to have another district in addition to Cadillac...may I ask for a response by 1/16/04

once we ID who, we can set up a meeting to discuss

thanks

Bob

Robert F. Babcock  
Security and Emergency Response Coordinator  
Water Division  
Michigan Department of Environmental Quality  
Constitution Hall, 2nd floor  
525 W. Allegan St.  
P. O. Box 30273  
Lansing, MI 48933-7773  
USA  
voice: 517 373 8566  
fax: 517 335 0889  
email: babcockr@michigan.gov  
Water Division web site:  
<http://www.michigan.gov/deq/0,1607,7-135-3313---,00.html>

**Candy Grigsby**

---

**From:** Gregory Danneffel [danneffg@michigan.gov]  
**Sent:** Tuesday, January 06, 2004 10:25 AM  
**To:** Robert Babcock  
**Cc:** Peter Ostlund; Michael Stifler; Ronda Wuycheck  
**Subject:** Fwd: Re: requesting approval for a Part 5 rules food briningwastes work group

I've had a little more time to think about this. I wonder if the lagoons are really a Part 5 issue - or are they subject to Part 22 Rule requirements for wastewater lagoons. Also, will anyone from MDA be involved in this or is it not an Ag issue?

As for Kalamazoo District, I'm not aware of any facilities in SW MI that use lagoons for pickle brining, but a lot of them do use large (I'm guessing 1000 gal.) vats or tanks. These facilities may have several dozen of these lined up in one place, usually near the pickle fields. I've often wondered what they do with the brine when they are finished with it and what, if any, secondary containment requirements apply. This would be a big step though considering how many of these we have in/around Van Buren County.

Greg Danneffel  
Kalamazoo District Supervisor  
Water Division  
Phone: 269-567-3575  
Fax: 269-567-9440  
email: [danneffg@state.mi.us](mailto:danneffg@state.mi.us)

>>> Robert Babcock 12/30/03 02:47PM >>>

happy new year to you all:

Subject: food brine wastes work group

I am forwarding the Water Division Chief approval for convening an ad hoc food brine wastes work group for developing guidance to assist the food brine wastes facilities in Michigan comply with the Part 5 rules [Spillage of oil and polluting materials].

As background, I will be forwarding a few email from Andy Smits from Inland Seas Engineers on this matter.

As I would envision this effort, it would involve a person from the Cadillac and Kalamazoo district offices [designees determined by the WD district supervisor], myself, Mr. Smits as outside engineer, a person from the WD groundwater unit, a person from the Wastes Hazardous Materials Division who is the landfill liner expert - Mr. Wes Sherman, and perhaps a food trade group representative. Judy Schaefer of ESSD may want to be a part of this group due to her experience in implementing the Part 5 rules.

I would like to hear back from you as to you or your designees' participation in this work group. Although I do not know of all of the issues involved, a similar work group, rail tank cars



**Candy Grigsby**

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 12:47 PM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: RE: Re: requesting approval for a Part 5 rules foodbriningwastes work group

-----Original Message-----

**From:** Andy Smits  
**Sent:** Tuesday, January 13, 2004 9:42 AM  
**To:** 'Robert Babcock'  
**Subject:** RE: RE: Re: requesting approval for a Part 5 rules foodbriningwastes work group

Dear Bob-

Thanks for the update... I appreciate your efforts to focus upon a date certain and soon.

Did you receive my email regarding the confidential matter...

I look forward to hearing from you.

Andy

-----Original Message-----

**From:** Robert Babcock [mailto:babcockr@michigan.gov]  
**Sent:** Monday, January 12, 2004 4:23 PM  
**To:** Gregory Danneffel; Michael Stifler  
**Cc:** Andy Smits; Jim Cleland; James Janesak; V. Wesley Sherman; Laura Smith; Dave Timm  
**Subject:** Fwd: RE: Re: requesting approval for a Part 5 rules foodbriningwastes work group

further fyi on food brine workgroup

also, it would be useful to hear from ea of you about your willingness to particiapate in this endeavor...eg, Greg, presume from your earlier email that your district would not participate on this...would be good to have another district in addition to Cadillac...may I ask for a response by 1/16/04

once we ID who, we can set up a meeting to discuss

1/26/2004

**Candy Grigsby**

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 1:17 PM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: RE: Re: requesting approval for a Part 5 rules foodbriningwastes work group

**-----Original Message-----**

**From:** Andy Smits  
**Sent:** Monday, January 26, 2004 1:15 PM  
**To:** 'Robert Babcock'  
**Subject:** FW: RE: Re: requesting approval for a Part 5 rules foodbriningwastes work group

Dear Bob-

I had it on my planner to call you on the 19th to follow up from our phone conversation of January 15th (?). I understood that you expected to have a roster, venue and agenda for a meeting pursuant to my request of November 25th, 2003 and your subsequent authorization for an ad hoc guidance work group (December 30th). My week was a bit hectic, so I am now following up

**Can you provide me an update?**

Bob, I don't think I understand fully how Part 5 implementation is to take place from our prior discussions..... **am I correct in understanding that program direction and policy development originates from your office and that enforcement is handled at the district level?**

If so, then perhaps you can help by providing clarification on the meaning of the passages from R 324.2005(2) that are italicized below. I've been trying since last year to get someone to tell me whether my understanding of these subrule elements is consistent with that of the Department since many of the operative words within these passages are not defined in R 324.2001 or R 324.2002.

**.... or does the answer to this query evolve from the meeting of the ad hoc group you have endeavored to establish?**

(2) Secondary containment structures for liquids shall comply with all of the following provisions:

(a) Be constructed of materials that are compatible with, and impervious to, *or otherwise capable of containing, any spilled, leaked, or discharged polluting materials so that the materials can be recovered and so that polluting materials cannot escape directly or indirectly to any public sewer system or to the surface waters or groundwaters of this state.*

(b) Provide a capacity that is not less than 10% of the total volume of the tanks or containers within the secondary containment structure or provide a capacity of 100% of the largest single tank or container within the secondary containment structure, whichever is larger.

(c) *Allow surveillance of the tanks or containers, the timely detection*



## Candy Grigsby

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Thursday, January 29, 2004 11:17 AM  
**To:** Candy Grigsby; Joe Quandt  
**Subject:** FW: May 20, 2003 Letter Re: HS Work Plan and Schedule- Williamsburg Receiving and Storage

Here's my e-mail to Doug Thompson

-----Original Message-----

**From:** Andy Smits  
**Sent:** Thursday, August 14, 2003 7:31 AM  
**To:** 'Douglas Thompson'  
**Cc:** Christopher Hubbell (Christopher Hubbell); 'Joseph Quandt (Joe Quandt)'  
**Subject:** May 20, 2003 Letter Re: HS Work Plan and Schedule- Williamsburg Receiving and Storage

Dear Doug:

Please find attached a MS Word Document containing a response to the subject letter from you to me. I regret it has taken me so long to get this to you; however it has been quite a full summer. In addition, my client and their counsel have had conflicting schedules- impeding our ability to review this matter together.

Please call me or respond via e-mail if you have any questions.

Respectfully,



Andrew Smits, P.E.  
Environmental Engineering  
Department Manager

Please note my new email address [ajs@inlandseaseng.com](mailto:ajs@inlandseaseng.com) . Please update your address book. Thanks !

INLAND SEAS ENGINEERING, INC.  
1755 Barlow St. (parcel post)  
P.O. Box 6820 (regular mail)  
Traverse City, MI 49696-6820  
Voice: 231.933.4041  
Facsimile: 231.933.4393

### **CONFIDENTIALITY NOTICE:**

This electronic mail transmission & any documents accompanying it contain confidential or privileged information belonging to the sender. This information is intended only for the use of the person to whom it is addressed. You are hereby notified that any dissemination, duplication or distribution of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone or by reply to this e-mail to arrange for the return of the message & any attached documents.

1/29/2004

**Candy Grigsby**

---

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 10:45 AM  
**To:** Candy Grigsby  
**Cc:** Joe Quandt  
**Subject:** FW: Part 31's Part 5 Rules, R324.2005

1<sup>st</sup> query

-----Original Message-----

**From:** Andy Smits  
**Sent:** Monday, November 17, 2003 3:58 PM  
**To:** 'JANICZEJ@michigan.gov'  
**Cc:** 'Joseph Quandt (Joe Quandt)'  
**Subject:** Part 31's Part 5 Rules, R324.2005

Dear Mr. Janiczek:

You may remember me from various meetings and discussions we've had over the years... most recently we met with Janice Heuer of Cadillac-WD, your staff and the folks from Williamsburg Receiving and Storage and their attorney, Joe Quandt. I provided a wiper board presentation on the WRS Process Schematic and resource recovery ideas. You and I have had some lengthy discussions regarding permitting and monitoring groundwater discharges from coin-operated self serve auto washes..... we both studied one notable location in Leelanau county. You sent me your report for my edification, which I keep in my library, thank you.

Anyway, Mr. Quandt and I have been discussing the subject matter with Janice and Mike Stifler. Mr. Quandt has been trying to contact you to arrange a brief meeting to discuss the concepts a bit further with you. He's gotten quite tied up in other matters and asked me to forward our request to arrange a meeting with you. I believe you and he may have already spoke of this together, but our objective would be to gain additional insight as to the Departments view regarding the techniques we have suggested for the cherry brining industry's compliance strategy. I believe Joe mentioned that you thought there may be some other applications/industries that may benefit from a similar approach.

Here are some dates/times that Joe and I have coordinated on our calendars. Would it be possible for you to review these dates and select one that provides an opportunity to meet for an hour or so? If you are unable to respond to this e-mail, I'll call to follow-up. If you do select a day, I'll call/write to confirm our meeting and verify the preferred time and location.

Dates Clear for Messrs. Joe Quandt and Andy Smits

<b>Date</b>	<b>Time</b>
November 26 <sup>th</sup> :	10:30 to noon
December 4 <sup>th</sup>	Anytime
December 9 <sup>th</sup>	Anytime, midmorning preferred
December 10 <sup>th</sup> to 19 <sup>th</sup>	Anytime

I look forward to hearing from you...and to our next meeting.

Respectfully,



Andrew Smits, P.E.  
 Environmental Engineering



## Candy Grigsby

---

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 11:02 AM  
**To:** Candy Grigsby  
**Cc:** Joe Quandt  
**Subject:** FW: Part 31's Part 5 Rules, R324.2005

Reply to 1st inquiry

-----Original Message-----

**From:** James Janiczek [mailto:janiczek@michigan.gov]  
**Sent:** Monday, November 17, 2003 4:26 PM  
**To:** Andy Smits  
**Subject:** Re: Part 31's Part 5 Rules, R324.2005

Things have been pretty hectic around here, and Joe and I exchanged voice mail for a while, but never connected. How about Thursday, December 4, at 10 am. Should Janice and Mike be involved in that meeting. I'll let you make that decision, and also pick the location.

James R. Janiczek, Chief  
Permits & Technical Support Unit  
Groundwater Section  
Water Division  
517-373-7262

>>> "Andy Smits" <ajs@inlandseaseng.com> 11/17/03 03:58PM >>>  
Dear Mr. Janiczek:

You may remember me from various meetings and discussions we've had over the years... most recently we met with Janice Heuer of Cadillac-WD, your staff and the folks from Williamsburg Receiving and Storage and their attorney, Joe Quandt. I provided a wiper board presentation on the WRS Process Schematic and resource recovery ideas. You and I have had some lengthy discussions regarding permitting and monitoring groundwater discharges from coin-operated self serve auto washes..... we both studied one notable location in Leelanau county. You sent me your report for my edification, which I keep in my library, thank you.

Anyway, Mr. Quandt and I have been discussing the subject matter with Janice and Mike Stifler. Mr. Quandt has been trying to contact you to arrange a brief meeting to discuss the concepts a bit further with you.

He's gotten quite tied up in other matters and asked me to forward our request to arrange a meeting with you. I believe you and he may have already spoke of this together, but our objective would be to gain additional insight as to the Departments view regarding the techniques we have suggested for the cherry brining industry's compliance strategy.

I believe Joe mentioned that you thought there may be some other applications/industries that may benefit from a similar approach.

Here are some dates/times that Joe and I have coordinated on our calendars. Would it be possible for you to review these dates and select one that provides an opportunity to meet for an hour or so? If you are unable to respond to this e-mail, I'll call to follow-up. If you do select a day, I'll call/write to confirm our meeting and verify the preferred time and location.

## Candy Grigsby

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 11:26 AM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: Part 31's Part 5 Rules, R324.2005

-----Original Message-----

**From:** Andy Smits  
**Sent:** Tuesday, November 18, 2003 3:03 PM  
**To:** 'James Janiczek'  
**Cc:** 'Joseph Quandt (Joe Quandt)'; 'Charlie Kalbfleisch'  
**Subject:** RE: Part 31's Part 5 Rules, R324.2005

Dear Jim:

Joe and I would like to confirm for 10:00 AM on 12-4-03 (Thursday). In speaking with Joe, he indicated that the primary purpose would be to meet with you and those of your Staff that would likely have input on the technical aspects of the conceptual approach we shared with Mike Stifler, Janice Heuer and Sy Paulik regarding Rule 5 compliance approach for in-ground, lined food brining pits.

Our goal is to discuss and address 90+ % of the technical issues so that we can move forward with a Part 5 compliance strategy (significant material and operational cost factors) for food processors/growers that use these pits to brine and store their product.

Joe mentioned he worked similarly with you and your staff on these same technical issues and regulatory approval processes facing his concrete industry clients as counsel for the Michigan Concrete Association. He mentioned his meeting with you and Scott Ross, specifically.

We look forward to a healthy discussion of these matters at our December meeting so that we can begin to move this industry forward (with the maximum certainty possible) to a position of demonstrated compliance with Part 5.

We hope to learn what specific submittals (performance theory, materials of construction, installation and operational practices) will be required to attain Department pre-approval of the concept we have already reviewed with Cadillac WD Operations Staff.

Please include whomever you believe are necessary from Staff to foster progress toward this goal. If you require some advance information, please let me know. Please also let me know when you have made a determination as to attendees so that visual aids may be prepared for all.

Thanks Jim.

Sincerely,  
Andy Smits  
231.933.4041

1/26/2004



**Candy Grigsby**

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 11:27 AM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: Part 31's Part 5 Rules, R324.2005

-----Original Message-----

**From:** James Janiczek [mailto:janiczek@michigan.gov]  
**Sent:** Thursday, November 20, 2003 3:06 PM  
**To:** Andy Smits  
**Cc:** Janice Heuer  
**Subject:** RE: Part 31's Part 5 Rules, R324.2005

Hi, Andy. I spoke with Janice Heuer this afternoon, and I thought I would try and explain our position and let you decide if you still want to meet. As Janice pointed out, the storage of the brine used in cherry processing is regulated under the Part 5 Rules. Those rules do not contain construction specifications for storage structures. The Part 22 rules, which regulate the discharge of treated wastewater, contain a rule which deals with liner specifications. However, Part 22 does not apply to cherry brine storage. We can discuss whether your proposed design might be equivalent to the liner criteria of Rule 2237, the lagoon liner rule. But, unlike the concrete industry situation, we cannot provide you with a letter that says if you use that construction design, you will be in compliance with Part 5. If that's the broad coverage you are looking for, you need to contact Mr. Bob Babcock, who is in charge of the Part 5 program. His number is 517-373-8566. If you still want to meet, we can discuss your proposal relative to Part 22 rules, but that won't carry over to Part 5. The Cadillac district office is unavailable on the 4th, so it would just be me.

James R. Janiczek, Chief  
Permits & Technical Support Unit  
Groundwater Section  
Water Division  
517-373-7262

>>> "Andy Smits" <ajs@inlandseaseng.com> 11/18/03 03:03PM >>>  
Dear Jim:

Joe and I would like to confirm for 10:00 AM on 12-4-03 (Thursday).  
In  
speaking with Joe, he indicated that the primary purpose would be to meet with you and those of your Staff that would likely have input on the technical aspects of the conceptual approach we shared with Mike Stifler, Janice Heuer and Sy Paulik regarding Rule 5 compliance approach for in-ground, lined food brining pits.

Our goal is to discuss and address 90+ % of the technical issues so that we can move forward with a Part 5 compliance strategy (significant

1/26/2004

## Candy Grigsby

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 11:30 AM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: Part 31's Part 5 Rules, R324.2005

-----Original Message-----

**From:** Andy Smits  
**Sent:** Thursday, November 20, 2003 5:47 PM  
**To:** 'James Janiczek'  
**Cc:** 'HEUERJ@michigan.gov'; 'Joseph Quandt (Joe Quandt)'  
**Subject:** RE: Part 31's Part 5 Rules, R324.2005

Thanks for the response Jim.....

I'll chat about this with Mr. Quandt and see what he thinks. I'll also call Janice and Bob to discuss. Please hold our date for now, I should be able to get back with you by Monday, November 24th after talking with Joe, Janice and Bob to confirm/revise our meeting plan. I'll look at the Part 22 Rules (lagoons/liners) as well to better understand the analogy.

Thanks,  
Andy

-----Original Message-----

**From:** James Janiczek [mailto:janiczekj@michigan.gov]  
**Sent:** Thursday, November 20, 2003 3:06 PM  
**To:** Andy Smits  
**Cc:** Janice Heuer  
**Subject:** RE: Part 31's Part 5 Rules, R324.2005

Hi, Andy. I spoke with Janice Heuer this afternoon, and I thought I would try and explain our position and let you decide if you still want to meet. As Janice pointed out, the storage of the brine used in cherry processing is regulated under the Part 5 Rules. Those rules do not contain construction specifications for storage structures. The Part 22 rules, which regulate the discharge of treated wastewater, contain a rule which deals with liner specifications. However, Part 22 does not apply to cherry brine storage. We can discuss whether your proposed design might be equivalent to the liner criteria of Rule 2237, the lagoon liner rule. But, unlike the concrete industry situation, we cannot provide you with a letter that says if you use that construction design, you will be in compliance with Part 5. If that's the broad coverage you are looking for, you need to contact Mr. Bob Babcock, who is in charge of the Part 5 program. His number is 517-373-8566. If you still want to meet, we can discuss your proposal relative to Part 22 rules, but that won't carry over to Part 5. The Cadillac district office is unavailable on the 4th, so it would just be me.

James R. Janiczek, Chief

1/26/2004



**Candy Grigsby**

---

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 11:22 AM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: Part 31's Part 5 Rules, R324.2005

-----Original Message-----

From: Andy Smits  
Sent: Monday, November 17, 2003 5:20 PM  
To: 'James Janiczek'  
Subject: RE: Part 31's Part 5 Rules, R324.2005

Thanks Jim... I'm going to ask Joe who/where exactly he wants to meet. I hope to get back with you in the morning tomorrow. I'll be back with you for sure by noon tomorrow, I'll see Joe in the morning.

Please leave us the time on the 4th with the details to follow.  
Thanks a lot,  
Andy

-----Original Message-----

From: James Janiczek [mailto:janiczekj@michigan.gov]  
Sent: Monday, November 17, 2003 4:26 PM  
To: Andy Smits  
Subject: Re: Part 31's Part 5 Rules, R324.2005

Things have been pretty hectic around here, and Joe and I exchanged voice mail for a while, but never connected. How about Thursday, December 4, at 10 am. Should Janice and Mike be involved in that meeting. I'll let you make that decision, and also pick the location.

James R. Janiczek, Chief  
Permits & Technical Support Unit  
Groundwater Section  
Water Division  
517-373-7262

>>> "Andy Smits" <ajs@inlandseaseng.com> 11/17/03 03:58PM >>>  
Dear Mr. Janiczek:

You may remember me from various meetings and discussions we've had over the years... most recently we met with Janice Heuer of Cadillac-WD, your staff and the folks from Williamsburg Receiving and Storage and their attorney, Joe Quandt. I provided a wiper board presentation on the WRS Process Schematic and resource recovery ideas. You and I have had some lengthy discussions regarding permitting and monitoring groundwater discharges from coin-operated self serve auto washes..... we both studied one notable location in Leelanau county. You sent me your

1/26/2004

Williamsburg rec.  
G.T. CO

**From:** "Brian Smith" <Brian@cherryblossomllc.com>  
**To:** "Chris Hubbell" <chris@cherryblossomllc.com>, <pauliks@michigan.gov>, <ajs@inlandseaseng.com>, <HEUERJ@michigan.gov>, <ajsmits@voyager.net>, <jequandt@zimmerman-kuhn.com>  
**Date:** 3/22/04 5:51PM  
**Subject:** Re: Open Cherry Waste Complaint - Recap of Discussion 03-22-04

To: Sy Paulik-Water Division- Cadillac  
re: Review of 03/22/04 Open Cherry Waste Comp  
From: Brian Smith

Please accept the following as a review of the discussion between DEQ(Sy Paulik) Cherry Blossom( Chris Hubbell & Brian Smith) and Richard E. Prince, PE (Rick Prince) regarding the above matter.

- Email opened by CB and responded to DEQ on 03-22-04 approximately 10am
- DEQ informs that Janice Heuer gave this complaint to Sy Paulik stating the following:

I was informed this week that you have an open trailer full of cherry  
> > waste parked in the lot across the street on Angel Road since the fall  
> > of 2003. If this is the case, it is a violation of the stormwater  
> > regulations. Please contact me regarding this complaint. Thanks.  
> > > Sy Paulik  
> > Water Division- Cadillac

-CB responded that yes there was a trailer across the street and that the waste in this trailer contained cherry pits only. These cherry pits are exposed to the elements but competely contained. We were not aware that this would be a a vilocation in the stormwater reg due to this trailers containment abilities and due to the stormwater control basins that were built and have in place at this secondary lot that would prevent any surface water from flowing into the wet lands. These basins durring this inspection were dry with no standing h20(some snow patches).

- DEQ expressed concerns that rain water or snow melt that comes into contact with the exposed cherry pits could eventually drain out the trailer (water) and contaminate the surface water with elevated BOD levels and could eventually run-off into the wet lands etc.

-DEQ requested that CB immediatley inspect the trailer to determine if excess water from this trailer could be leaking,pooling and contaminating the surface ground water.

-CB and REP,PE inspected trailer and could not see any type of ground surface water contamination. CB decided that the trailer would be moved to the main facility site in the event that seepage did occur from this trailer. Our decision took into consideration that this sepage would be controled buy the storm water prevention program established at our main facility. We immediately informed DEQ of our findings and actions.

-DEQ requested that the trailer full of pits be covered until removal from facility to prevent any type of precipitation coming into contact with the cherry pits.

-CB accepted the request and began the process of covering this trailer.



-CB also requested who the complaint originated from.

-CB at this time was not informed of any type of disciplinary action regarding this matter nor was it discussed.

-DEQ inform CB that Janice Heuer(DEQ) was informed about the trailer full of pits by a conference call she was having with Brad and Nola Boals at an earlier date.

If any further information or discussion is needed please do not hesitate to call. I would be please to help in any form or fashion.

Respectfully Submitted,  
Brian Smith  
Director of Operation-CB

----- Original Message -----

From: "Chris Hubbell" <chris@cherryblossomllc.com>  
To: <brian@cherryblossomllc.com>  
Sent: Monday, March 22, 2004 12:01 PM  
Subject: Fw: Open Cherry Waste Complaint

>

> ----- Original Message -----

> From: "Sy Paulik" <pauliks@michigan.gov>  
> To: <chris@cherryblossomllc.com>  
> Cc: <ajs@inlandseaseng.com>; "Janice Heuer" <HEUERJ@michigan.gov>;  
> <ajsmits@voyager.net>  
> Sent: Friday, March 19, 2004 9:13 AM  
> Subject: Open Cherry Waste Complaint

>

>

> > Chris,  
> > I was informed this week that you have an open trailer full of cherry  
> > waste parked in the lot across the street on Angel Road since the fall  
> > of 2003. If this is the case, it is a violation of the stormwater  
> > regulations. Please contact me regarding this complaint. Thanks.

> >

> > Sy Paulik  
> > Water Division- Cadillac  
> > 231-775-3960 x 6267  
> > 231-775-1511 fax  
> > pauliks@michigan.gov

> >

>

>

**Candy Grigsby**

**From:** Andy Smits [ajs@inlandseaseng.com]  
**Sent:** Monday, January 26, 2004 11:36 AM  
**To:** Candy Grigsby (Candy Grigsby)  
**Cc:** Joe Quandt  
**Subject:** FW: Part 5 Rules R 324.2005 Compliance Issues for the Food Brining/Pickling Industry

[REDACTED]

[REDACTED]

-----Original Message-----

**From:** Andy Smits  
**Sent:** Monday, November 24, 2003 3:33 PM  
**To:** 'BABCOCKR@michigan.gov'; 'James Janiczek'  
**Cc:** 'Joseph Quandt (Joe Quandt)'  
**Subject:** Part 5 Rules R 324.2005 Compliance Issues for the Food Brining/Pickling Industry

Dear Mr. Babcock:

I have been corresponding recently with Mr. James Janiczek in an effort to arrange a meeting with him to discuss with Department Staff the technical issues that may associated with demonstrating compliance with Part 5 Rules for those food processors that brine or pickle their products in PVC-line earthen brining pits (pits). I have been working with a cherry processor on developing plans leading to their compliance with these rules for their pits. My client's attorney (Mr. Joseph Quandt) suggested I contact Mr. Janiczek and arrange a meeting to discuss these technical and performance issues, since Mr. Quandt had worked with Mr. Janiczek and his Staff on a similar matter for the Michigan Concrete Association (MCA). As I understand it, their joint efforts to resolve technical issues resulted in a design process that allowed MCA members to employ the MDEQ-reviewed design and be assured that compliance with those installation and operational requirements would constitute compliance with aspects of Part 22 rules, also promulgated under Part 31.

Thursday last week, after providing Mr. Janiczek more specific information regarding the objectives of the meeting we sought, he indicated that we should be contacting you to see if we could arrange such a meeting with you and your Staff. Mr. Janiczek indicated he would still meet at our prearranged time and could speak to technical issues related to Part 22 rules regarding liners for lagoons, yet he could not host the meeting we seek to attain similar objectives for another industry as they endeavor to comply with Part 5 rules.

We are currently scheduled to meet with Mr. Janiczek on December 4<sup>th</sup> at 10:00am in Lansing. I was hoping that might be available for a brief discussion and perhaps a demonstration of an analogue or scale model of the technology we believe will meet the performance requirements under Part 5. If you can meet Thursday, December 4<sup>th</sup> in the morning, then Mr. Janiczek can participate and perhaps we move closer to our objectives and forward compliance in the food processing industry.

Please let me know if we can meet. I've included Mr. Janiczek's last e-mail to me for some context to this e-mail.

I look forward to hearing from you.



1/26/2004



Williamsburg Rec. +  
Sto.  
G.T. Co

**From:** Robert Babcock  
**To:** Janice Heuer; Sy Paulik  
**Date:** 12/1/03 3:06PM  
**Subject:** Williamsburg Receiving and Storage Alternate Secondary Containment

Sy and Janice:

In response to the October 22, 2003 letter, I have the following comments:

1. The Part 5 rules, Spillage of Oil and Polluting Materials, require compliance with secondary containment and all other provisions by August 31, 2003.
2. The facility is also required to comply w/ the Part 5 rules by 8/31/03 as a result of entry of Consent Order 31-07-02.
3. The proposal does not have enough information for review/approval. Apparently the facility and its consultant have put forward widely divergent proposals ranging from moving the brine pits indoors to outdoor dual liner pits with electronic leak detection monitoring.
4. Due to the history of the facility and the materials strength, eg, per cent concentration brines, any unique secondary containment should be approached cautiously and perhaps on an experimental basis.

thanks

Bob

Robert F. Babcock  
Security and Emergency Response Coordinator  
Water Division  
Michigan Department of Environmental Quality  
Constitution Hall, 2nd floor  
525 W. Allegan St.  
P. O. Box 30273  
Lansing, MI 48933-7773  
USA  
voice: 517 373 8566  
fax: 517 335 0889  
email: babcockr@michigan.gov  
Water Division web site: <http://www.michigan.gov/deq/0,1607,7-135-3313---,00.html>  
<<life is not important except for its impact on others' lives>> Jackie Robinson

**CC:** James Janiczek; Jim Cleland; Michael Stifler; Rick Rusz; Smith, Laura

Williamsburg rec. +sto  
G.T. G

**From:** Douglas Thompson  
**To:** Janice Heuer  
**Date:** 12/1/03 3:16PM  
**Subject:** Re: WRS hydro

Janice,  
We have not received a copy of the hydrogeologic study. Please send us one of your copies. Thanks.

Sy,  
The consent order required the hydrogeo. report to be submitted within 180 days of our approval of the work plan. I approved the work plan in a letter dated May 20, 2003. According to my calculations the due date for the hydrogeo. report was November 16, 2003.

>>> Janice Heuer 12/01/03 02:48PM >>>

Hi. We received two copies of the hydro study report for Williamsburg receiving and storage dated November 28, 2003. Did you get a copy? If not we'll send you one.

**CC:** Sy Paulik




**From:** Janice Heuer  
**To:** Rick Rusz  
**Date:** 12/20/05 1:18PM  
**Subject:** review of Inland Seas proposal for WRS

I have the following comments regarding the submittal from Andy Smits of Inland Seas Engineering dated December 16, 2005:

The odor control work plan dated June 17, 2005 characterized the lagoon water as water generated in 2002 that was aerated until stabilized, neutralized with lime and then open to precipitation for several years. The data contained in that plan were from lagoon samples dated prior to and including March 25, 2003 when chloride was around 600 mg/l and BOD was less than 200 mg/l. The report estimates that the dilution would be around 75% (25% lagoon water to 75% fresh water.) This proposal was conditionally approved in a letter dated June 27, 2005 which also states that process water must be placed in sealed tanks and transported and disposed of pursuant to Part 121.

The July 18, 2005 letter from Joe Quandt asks for clarification of some of the terms such as "free of contaminants", argues the need to store liquid industrial waste in containers, and states that the facility plans to modify their groundwater discharge permit. There is no indication that the June 17 proposal will be acted upon, and in fact Quandt states they are unable to meet the time table laid out in the approval letter. Further correspondence from Mr. Quandt during the summer ties lagoon water disposal to disposal of process water and a permit modification.

Year 2005 data on the lagoon is not submitted until August 9, 2005. This data, which is a single data point from a grab sample shows chloride and COD levels significantly higher than in 2003. A more complete characterization was not submitted to the DEQ until October. The October data shows chlorides above 1,000 and COD's were 9,000 – 12,000. The data clearly indicates that water in the lagoon is no longer stabilized effluent that has been left alone since 2003. 

Calculations of waste volumes (as per my e-mail to you dated December 14, 2005) and chloride concentrations shows that additional process water has been placed in the lagoon that does not meet the standards of the groundwater discharge permit. The consent order and Part 121 does not allow for the storage of process waters or dilution for discharge.

Comment 1 of the December 16 Smits proposal states that the facility will utilize activated carbon technology for odor control as well as housekeeping and maintenance and a masking agent to reduce odors. These activities do not require DEQ review or approval. Should odor control devices be extended to the lagoon the device would require a permit from Air Quality Division.

Comment 3 of the Smits proposal states that the pond will not be aerated in order to not exacerbate odors. This is acknowledged, as is the commitment to pump and haul liquid industrial waste as is required by law.

I also noticed that Mr. Smits indicates that the odor plan will be approved in concert with Article II of the consent order. Many of the problems at the site were not anticipated by the consent order and in fact are new violations of Part 131. Odors generated after October 2003 are subject to stipulated penalties of the consent order as specifically stated in paragraph 4.1b(5), but plans not required by the consent order are submitted and approved on their own merit.

Janice Heuer  
Senior Environmental Engineer  
Water Bureau  
Cadillac District office  
231-775-3960 ext. 6203

*William Strong Rec. + Sto  
Opt. Co*

**From:** Sy Paulik  
**To:** Eric Hudy; Janice Heuer; Michael Stifler; Richard Shoemaker  
**Date:** 12/21/05 1:44PM  
**Subject:** Cherry Blossom LLC

Janice & I were up there today to look at the clean up in the wetlands and where they were connecting to haul away their wastewater in the lagoon.

They have stock piled their spoils on the upland adjacent to the wetland between liners. They also filled with sand and topsoil from areas that I don't believe have had any spills/discharges. I was told inland seas sampled the cleanup area and the fill area prior to finishing the work. I had a quick look at the initial sample results and they were all below 100ppm for Cl-. I checked with a soil probe in one area. There appears to be approximately 4 inch of sand and the rest was topsoil.

They have not removed the pond cover for hauling the water away. They are taking it form the maintenance building.



WRS  
G.T. 10

**From:** Michael Stifler  
**To:** Jan, Denny  
**Date:** 1/3/2006 9:07:23 AM  
**Subject:** Re:

In 2000, the DEQ issued operational wastewater discharge permits to WRS. These permits set forth water quality limits that would protect both the groundwater and surface waters in WRS's vicinity. By 2001, it was apparent that WRS was in violation of both permits. In 2002 the DEQ took enforcement action, levying substantial penalties and setting forth clear corrective actions. WRS appeared to comply with the enforcement order until early 2005. Since March of 2005, the DEQ has investigated WRS activities numerous time and have closely monitored complaints. We recognize the severity of the odors and of the water quality concerns. We are addressing all violations at the WRS site, including the spill. WRS is, at this time, cleaning up the spill damage per our directives. We are in contact with township, county and federal agencies who have jurisdiction and interest in this situation.

Please contact me if you have further questions on this.

>>> "Denny and Jan" <EssequamvideriV@chartermi.net> 12/19/05 11:02 PM >>>

Williamsburg Receiving & Storage is illegally storing industrial waste in a five million lagoon (that is filled to capacity) as well as various brine pits and storm water holding ponds, all on site. The lagoon recently spilled one million gallons of wastewater onto the ground and neighboring wetlands. (Record Eagle - November 14, 2005.) This spill (not the first) was tested and classified as "high strength industrial waste". According to a consent order with the Michigan Department of Environmental Quality, all such waste must be "stored in sealed tanks and hauled away by licensed haulers." WRS should abide by the same rules that others in the fruit industry do. We are adjacent land owners to WRS. Besides the threat to the environment, neighboring wetlands and lakes (including The Great Lakes), along with degradation of our homes and properties, the odor from this HSIW is intolerable. It can be smelled for miles around. Imagine the smell of raw sewage mixed with cheap permanent wave solution and catalytic converter emissions. Multiply that by the one million gallon spill. "Smelly", as politely stated in the Record Eagle's November 14th article, is a colossal understatement. Depending on wind direction, windows must be closed so the odor doesn't permeate our homes, and outdoor activities are impossible. Simply getting from the car to the house can be a nauseating experience. Though the DEQ has been involved since 1996, we've only heard talk about solving this dangerous issue. We have neither seen -nor smelled any action (enforcement of our state's laws??) to actually end it. We have put up with this for years and feel that our governmental officials have completely abandoned us. We want action. Our personal/environmental space has been violated long enough.

---

"Clothes make the man. Naked people have little or no influence on society." Mark Twain

Michael Stifler  
MDEQ Cadillac District Office  
Water Bureau  
1-231-775-3960 ext 6260  
Fax: 1-231-775-1511  
stiflerm@michigan.gov

*g. t. l.*  
*g. t. l.*

**From:** "Joe Quandt" <jequandt@zimmerman-kuhn.com>  
**To:** "Sy Paulik" <Pauliks@michigan.gov>, "Chris Hubbell" <chris@cherryblossomllc.com>, "Andy Smits" <ajs@inlandseaseng.com>, "Diane Lundin" <dcl@inlandseaseng.com>, "Janice Heuer" <HEUERJ@michigan.gov>  
**Date:** 12/5/05 3:10PM  
**Subject:** RE: Pond Release Investigation Report

Sy, I just spoke to Ron Brown of Brown & Associates who confirms that most of the impacted area is wetland. I have instructed him to apply for a permit asap. He said he already spoke to Eric Hudy at LWMD either today or last Friday and confirmed that the application will receive expedited consideration. With respect to the disposal, we will likely stockpile the soil on site with protective tarps to prevent any leaching concerns. Chris has mentioned that there is an agronomic application for this soil that may be beneficial to his orchard. I am looking at the provisions of Parts 111 and 115 as well as MDA regs to see if this is allowable. If it is not, the soil will be landfilled. If it is allowable we will seek whatever approval is necessary to accomplish this lawful goal. In any event, as I read the regs, the law allows the soil to be stockpiled and secured for up to 90 days after excavation. Then it needs to be removed to a licensed facility or otherwise dealt with in a lawful manner. Let me know if you, Mike or Janice read those regulations any differently. I just want you to be fully up to speed with what is going on. Thanks. Joe.

Joseph E. Quandt, Esq.  
Zimmerman, Kuhn, Darling, Boyd,  
Taylor and Quandt, PLC  
412 S. Union Street  
Traverse City, MI 49684  
(231) 947-7901 x115  
jequandt@zimmerman-kuhn.com

Confidential. This e-mail may contain confidential information and is only for the use of the intended recipient. This message may be protected by attorney client privilege, is confidential in nature, or otherwise protected from disclosure and must not be published if received by any person other than the intended recipient. If you received this message in error, please reply to sender or telephone at 231.947.7900 and destroy the original message and all copies. Thank you.

-----Original Message-----

**From:** Sy Paulik [mailto:Pauliks@michigan.gov]  
**Sent:** Monday, December 05, 2005 12:13 PM  
**To:** Chris Hubbell; Andy Smits; Diane Lundin; Janice Heuer; Joe Quandt  
**Cc:** Richard Shoemaker; Michael Stifler  
**Subject:** Re: Pond Release Investigation Report

Joe, although I am not familiar with Brine clean-ups, I do know that during a spill event it does not take a month to get the soils taken care of. When we have an emergency clean-up we take care of the source first, then the soils, then the ground water. Typically soils are cleaned up within a twenty-four hour period of the spill. The pace and route that this has taken is one of the reasons I told Chris to talk with a contractor who is familiar with and has done clean-ups of brine. As I stated earlier, the



longer it takes, the more costly the clean-up will be. I also explained the volume, location, and proximity could affect drinking water wells. At this point, I see nearly a month of non-compliance related to this incident. Although some information I am requesting may be required as part of the RI, it does not mean that the work should not be done now. This is an emergency spill situation. A complete RI should incorporate information from this incident and all areas of impact which Eric Chatterson will be reviewing.

There was a wetland violation which this office has files of. Is Chris disputing that it is a wetland? The file states it is a wetland. I informed Diane that I would assist in getting permits if dredging is needed.

To respond to Diane's voice mail left for me on December 2nd.

Why is it too soon to excavate? What is the basis for this?

Approximately 1 million gallons were released. There will be a large area that was impacted. Excavated soils should be removed and disposed of properly--not to be spread on more fields to contaminate more areas. Any areas with a hit in the soil samples should have the soils removed and disposed. Please explain the need to redefine the area of impact which you believe is a smaller area then submitted in Figure 1. We have photographs of the area to work from.

Also I have not received the rest of the sample results.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

>>> "Joe Quandt" <jequandt@zimmerman-kuhn.com> 12/1/2005 4:42 PM >>>

Thanks for you input, Sy. I have instructed ISE to flag the areas to be excavated tomorrow. I have a wetland consultant who will be there tomorrow or monday to delineate if the areas to be excavated are regulated under Part

303. If they are regulated we will apply for a permit before undertaking excavation. With respect to groundwater sampling, as you know we are working

with your colleague Eric Chatterson on conducting a full Remedial Investigation (RI) of ALL groundwater impact. I respect your desire to see a groundwater evaluation of

the spill area beforehand but we frankly see no benefit in doing the groundwater RI work piecemeal. If any chloride has entered the aquifer it cannot be immediately recovered anyway thus once the surface cleanup is complete the other issues should be completed as part of the RI and eventual IRAP. We will of course address the

other issues consistent with your other directions. I am also looking forward to hearing from your Lansing staff on when we can arrange a meeting

on all pending matters, hopefully the week of December 12th. We look forward

to working with you in addressing all compliance concerns in a resonable and timely manner. Thanks

for your input. Joe

--- Original Message ---

From: "Sy Paulik" <Pauliks@michigan.gov>

Sent: Thu 12/1/05 4:09 pm

To: "chris@cherryblossomllc.com" <chris@cherryblossomllc.com>, "Andy Smits"

<ajs@InlandSeasEng.com>, "Diane Lundin" <dcl@InlandSeasEng.com>, "Janice Heuer" <HEUERJ@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Joe Quandt" <jequandt@zimmerman-kuhn.com>

Cc: "Richard Shoemaker" <SHOEMAKR@michigan.gov>

Subject: Pond Release Investigation Report

Hi Diane,

I just wanted to summarize our phone conversation regarding the report and clarify my expectations of the clean-up.

I noticed a few errors on the report. The spill occurred on November 8/9th

and the map did not include an area of ponding near SB112. Also we have a conservative estimate that close to 1 million gallons was released. I'm not

sure if Chris was able to document how much he recovered. I really appreciate knowing the data collected so far, although I was expecting a clean-up plan.

I understand that the analysis was not done as you requested, as soon as you

get that completed please feel free to send that to me electronically. I feel speed is very important and have made this clean-up a priority.

The soil samples are important and I'm glad Inland Seas Engineering is looking at it. I understand there are plans to remove and excavate as early

as Friday- December 2nd, 2005. As I stated earlier, work in the wetland will need approval and disposal of the contaminated soil will have to be at

an appropriate site, not to contaminate other locations. I believe that the

characteristic of this

spill is that the materials will sink and therefore it's important to look at the groundwater. I am not concerned about the turbidity at this point and believe that besides Cl- other parameters should be looked like pH, BOD, metals in the water. I also feel that vertical profiles to the confining layer would best determine where the plume of contamination is and

how fast it is moving.

If Inland Seas Engineering and Williamsburg Receiving & Storage/Cherry Blossom LLC choose to excavate it would also be appropriate to excavate in the ditch along Munro Road also. Because this area is mostly sand, I believe

it is most critical to look at the water and test that to the confining layer.



There were some concern about road salt. It seems that background samples can be taken to eliminate road salt as a factor by sampling nearby, like on the other side of the wetlands.

I have stated to Chris that the responsibility as part of a clean-up is to provide adequate data that proves the site is clean. So I really am expecting to see a clean-up plan with water samples taken at various depth to the confining layer. I would also like to see the manifest for the soils that have been dredged. If the plume has reached the water table I would like to see a plan on clean-up of that plume. And lastly I would also like to have anticipated dates for work to be done. Thanks. If you have any questions please feel free to contact me.

Ms. Sy Paulik  
Water Bureau- Cadillac  
231-775-3960 x 6267  
231-775-1511 fax  
pauliks@michigan.gov

CC: "Richard Shoemaker" <SHOEMAKR@michigan.gov>, "Michael Stifler" <STIFLERM@michigan.gov>, "Rick Rusz" <RUSZR@michigan.gov>